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THE  
EARLY INSTITUTIONAL LIFE  
OF JAPAN:

A STUDY IN THE REFORM OF 645 A.D.

By

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156146

PRINTED AT TOKYO SHUEISHA.

1903

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TO  
MY FATHER.

## 日本の讀者に告ぐ

此書拙き英文のまゝ日本にて出版せるは、外國の好學の人に讀まれ、且つ日本の學者に批判せられんとてなり。著者海外に在りて研學の便乏しきが上に討議の友を缺けるを以て、日本篤學の士の教示を希ふの意切ならざるを得ず。抑も大化の改新は嘗に日本史及東洋史の大事なるのみならず、また人類史上特に注目すべき重要な問題なるに似たり。もし徒に黙して過ぎば此廣大の問題につきて竟に古史の幽を聞くの機なからんことを恐る。讀者願はくは著者の志を諒して細大となく啓發の勞を吝むことなかれ。



## PREFACE.

The present work is intended primarily for criticism and discussion, and only secondarily for direct information. It appears to me that, inasmuch as the subject of this work is not known to have been elaborated by another person, it belongs to me, as a writer in this new field in ancient history, to state my conclusions only after showing the necessary process of reasoning, and to base the latter upon original passages explicitly cited or referred to, as well as critically tested. This double duty of textual criticism and documental analysis has, wherever possible, been attempted. A third task, that of constructive interpretation, far as it was beyond my capacity, has also been forced upon me, particularly as I was dealing with those thoughts and institutions in China and Japan whose domain in history is not limited to the period under discussion and some of which are still alive to the present day. The result of this many-sided undertaking is the present heterogeneous and unfinished mass, which, in its analytical portion, is painfully tedious, and, in its interpretative passages, seems to lack unity of time and purpose, and which is in every direction consciously defective. I hope the time may come when a simple, compact treatment of the subject may be possible, but until it does come, the crudities of the work-shop must be preferred to the gloss and the niceties of the finished product of suspicious character. If, therefore, the present work should appear repellent to the general public, it may still seek to address itself either to those who are well versed in oriental history or to those whose interest and training in the science of society in its broader sense enable them to readily seize upon any new work in history and quickly detect its faults. Indeed no greater service can be rendered by this essay than in arousing intelligent discussion among critical scholars, and it

is with this object in view that this particular form of the work has been sedulously maintained.

A few words must be said in regard to the limitations of this work. It, like many other works in history, can hardly be said to be complete without its counterparts: a scientific treatise of the earlier period and another of the later. Within the range of its own period, also, the work is confessedly institutional. I have intentionally neglected other important and perhaps more interesting phases of the national life of the ancient Japanese. Even regarding the Reform itself, one important set of institutions—those concerning the Buddhist Church—has been purposely left untouched, it being thought that they might be better treated in the history of a subsequent period.

The substance of this work was originally presented, in 1902, under another title, to the Graduate School of Yale University, as a partial fulfilment of the requirement for a degree. It has since been somewhat revised. Its publication is entirely due to the encouragement of the the University and some of its professors, especially Professor F. Wells Williams, to whom I am gratefully indebted.

I wish to express my regrets that I may be unwittingly doing an injustice when I omit some of the noted scholars of Japan who may have written on some of the points covered by this essay, but whose works I have not been fortunate enough in all cases to consult.

K. A.

Hanover, New Hampshire, U. S. A.

*May, 1903.*

# CONTENTS.

INTRODUCTION	Page 1-6.
BIBLIOGRAPHICAL CHAPTER	7-22.

Relative value of the *Kojiki* and the *Nihongi*, 7-14; historical writings before the eighth century, 10-11; deficiency of the *Nihongi* for the Reform period, 11-12; the Code of 701 and the commentaries (the *Riō-no-Gige*), 12-17; the Code of 927 (the *Yengi-Shiki*), 17-19; the *Dai-Nihon Kobunsho*, 19; the decrees and edicts (the *Ruizhū Sandai-Kaku*), 20-22; the works by the late Professor Kurita (the *Kitsuri Zatcho*), 22.

## CHAPTER I. INSTITUTIONS BEFORE THE REFORM ... .. 23-136.

Ancient chronology of Japan, 23-25;

I. The Emperor, 25-44. His theoretical powers, 25-26; an analysis of the theory of the Imperial authority: (1) the one-tribe theory, 26-28; (2) the theory of the Imperial succession, 28-30; and (3) the conquest, 30-31.—The Emperor and Shinto, 31-38: the composite nature of Shinto, 31-32; its explanation suggested, 32-35; effects of the coming of Buddhism on Shinto, 35-36; the *norito*, 36-38.—The Emperor and the assembly, 39.—A traditional doctrine, 40-44.

II. The extent of the Empire, 45.

III. Local division, 45-51. The so-called reform of the Emperor Seimu, 45-48.—The terms defined, 48-51.

IV. The family, 51-59. *Patria potestas*, 51; brothers and sisters, 51-53; marriage, 52-56; succession, 56-58. The custom of separate residence, 58; its significance suggested, 58-59.

V. Patriarchal organization of the state: the *uji* (clan) and the *tomo* (group), 59-66. Solidarity of family responsibility, 60-80.—Terms explained, and the semblance of the tribal relationship, 61-63; the *tomo* or *be*, 63-66.

VI. The *kabane*; *miyatsuko* of the *kuni* and of the *tomo*, 67-73.

VII. Property in land, 73-76.

VIII. The *miyake* and the Emperor, 76-82.

IX. The free and the unfree, 82-86.

X. Taxation, 86-96. The *mitsugi* (tribute), 86-94; rice and the *agata* and *miyake*, 89-91; the *etachi* (forced labour), 94.—Control of the great men over the taxes, 94.—Imperial taxation, 94-95.

XI. Military organization, 95-125. [A.] The conquest of Yamato by Jimmu, 97-99; [B.] Pacification by Sujin, 99-100; [C.] Civil strifes, (1) for the Throne, 100-104, (2) against the Kumaso and the Emishi, 104-105, (3) against the rebellious subjects, 105-108, and (4) amongst the aspirants to power, 109-117; [D.] Korean expeditions, 117-123.—Summary, 124-125.

Conclusion, 125-136. The political claims of the Emperor, 125-127; his want of moral control over the people, 127-133; political weakness of the Emperor, and the logical causes of the Reform, 133-136.

## CHAPTER II. EVENTS LEADING UP TO THE REFORM . . . . . 136-1

The need of a reform, 136-138; the ministers of the Emperor, 138-140; descendants of Takeshiuchi, 140-141; introduction of Buddhism and the Soga, 141-145; the Reformers' party, the fall of the Soga, 145-148; the Chinese learning in Japan, 148-150.

## CHAPTER III. POLITICAL DOCTRINE OF CHINA . . . . . 150-251.

### I. TO THE FALL OF CHOW;—

The princes and the people, 153-155; virtue, 155-157; hereditary succession, 157-159; the Minister and the officers, 159-161; philosophy of rebellion, and dynastic revolution, 161-163; the later Chow, 163; the *Pa* and the *Wang*, 165; schools of political philosophy, 166-167; from Lao-tsz' to Han-Fe-tsz', 167-172; from Confucius to Mencius, 173-177; their relative position in history, 177-182; summary, 182-184.

### II. FROM TS'IN TO T'ANG;—

(1) Ts'in. The account of the *Shih-i*, 184-187; the imperial title, 187; local division, 188-195; uniformity of law, 195-196; agricultural policy, 196-197; land tenure, 197-200; taxation, 200-201. (2) H'an to T'ang. Land and taxation: the three axes, 202-204; equal allotment of land, 204-206; military duties, 206; the system of T'ang, 206-210; commercial policy, 210-211.—Local government, 211-216; its underlying principles; the ruler and the ruled; 216-218; the system of irregular impositions, 219-220; riot, 220-221.—Central government: central



offices, officers of the Court, and the soldiers of the guards, 221-225; emoluments and ranks and titles, 225-226. Four classes of the people, 226; system of education and examination, 226-245.

Conclusion: China and Japan, their contrast: the Emperor, 246-247; the organization of the State, 247-250; the attitude toward the future, 250-251.

#### CHAPTER IV. THE REFORM

252-333.

##### I. THE "CONSTITUTION" OF 604 A.D., 252-257.

##### II. THE REFORM OF 645-646 A.D.;—

(1) The need of a reform,—conditions in the country, 257-260; (2) who were the Reformers? Kamako, Prince Naka-no-Ôye, the learned men, and the ministers of the Emperor, 260-264; (3) the extent of the Reform, the Kinai, the eastern and western Kuni, 264-267; a chronological table of the Reform, 267-268; (4) the central government: the Learned Men, the *Sa-Daijûin*, *U-Daijûin*, and *Naizûin*, 268-269; the "daiibu," 269; the Eight Departments, 269-270; "a hundred offices," 271; the cap-rank, 271; emoluments, 271-272; (5) local government: the Ki, 273; the *Kuni*, *Kôri*, and *Sato*, 273-277; local governors, 277-280; official communication, 280-281; (6) land: method of research, 281-283; census; examination, reception, and allotment of land, 284-285; re-distribution, 285-286; equal assignment, 287-288; house-land and farm-land, 288-290; waste-land, 290-295; (7) taxation: suggested relation between land—assignment and taxation, 295-296; the position of taxation in the Reform, 296; official immunity, 297; the *so*, *chô* and *yô*, 297-311; rice-loan and its economic effects, 302-304; local expenditures, 304-306; the rate of the three taxes, and the tendency of the later change, 306-309; the engrossing of land by great men, 309-311; remission of taxes, 311; (8) military organization: the guards, militia, and garrisons, 311-314; (9) the old institutions and the new nobility, 314-322.—Conclusion, 322 ff.: the Chinese organization of the State copied, 323-324; minor changes, 324-326; the Japanese theory of Imperial succession reasserted, 326-327; the State, the Emperor, and the nation; the later evolution, 327-333.

#### SUPPLEMENTARY CHAPTER, SHOWING THE LATER DEVELOPMENT

DOWN TO THE BEGINNING OF THE TENTH CENTURY

333-346.

INDEX ..

347-355.

APPENDIX ..

356.

## ABBREVIATIONS USED IN THE NOTES.

- Aston.....W. G. Aston's translation of the *Nihongi*. "Transactions and Proceedings of the Japan Society, London." 1896. Supplement I. 2 vols. London, 1896.
- Cham.....B. H. Chamberlain's translation of the *Kōjiki*, in the "Transaction of the Asiatic Society of Japan," vol. X. Yokohama, 1882.
- DK.....The *Dai-Nihon Kobunsho*. Vols. 1 and 2.
- Florenz.....Karl Florenz's translation of Books 22-30 of the *Nihongi*, in the "Mitteilungen der deutschen Gesellschaft des Ostasiens," Suppl. Hefte zu Bände V u. VI. Tokio, 1892-97.
- K.....The *Kojiki*.
- KT.....The *Kokushi Taikei* (國史大系). 17 vols. Tokio, 1899-1901. In this series, which is by far the best edition of the earliest historical writings of Japan, are the following works, besides others, which will receive continual reference in this essay :—
- The *Kōjiki*,.....vol. VII, pp. 1-170 ;
- the *Kujihonki*,.....ibid., pp. 171-428 ;
- the *Nihongi*,.....vol. I.;
- the *Zoku-Nihongi*,.....vol. II.;
- the *Riō-no-Gige*,.....vol. XII, pp. 1-328 ;
- the *Ruijū Sandai-Kaku*,.....vol. XII, pp. 329-1054 ;
- the three *Kōdai Shiki*,.....vol. XIII, pp. 1-84 ; and
- the *Yengi Shiki*,.....vol. XIII, pp. 85-1190.
- Kurita.....Prof. Kurita, The *Ritsuri Zutcho*. 3 vols. 15 bks.
- m*.....lunar month.
- N.....the *Nihongi*.
- R.....the *Riō-no-Gige*.
- S.....the *Ruijū Sandai-Kaku*.
- Y.....the *Yengi Shiki*.
- y*.....year. It also precedes each year-period. For instance, "*y* Taikwa 3" means the third year of the Taikwa period.
- Z.....the *Zoku-Nihongi*.

Other books, including the Chinese, will be named in full in the notes where they first appear. These notes will be easily traced by referring to the Index by the names of the authors or, in a few cases, the titles.

## INTRODUCTION.<sup>1</sup>

What would have been the history of Europe if it had missed one of its greatest factors, Christianity? The question is simple but momentous, and perhaps no amount of imaginative effort would succeed in constructing such a history. The influence of a religion on the individual must be as carefully distinguished from that on the society, as should be the process of the mental action of a single person from that of an aggregate of persons. Another primary distinction seems to be that a religion may deeply influence individual and social conduct in history, either as a great institution, or as a profound principle of spiritual activity. It is sometimes too well-known that the church as an institution is a complex body of interests, material as well as spiritual. On the other hand, many noble deeds and great events have appeared in history from no conscious intent to serve the church, although they often sprang from deep spiritual character or ideals formed more or less in accordance with the teachings of a religion. Only by drawing these and many other distinctions may a student approach the great question stated at the beginning of this paragraph.

Questions of this nature must always seem to imply a shadow of faith in the blind Chance. Our question was, however, stated in order to serve as an introduction to the importance, regarded from a comparative point of view, of the subject of this essay. Half a century after the acceptance of Christianity by the Franks, Buddhism was introduced into

<sup>1</sup> This Introduction has been supplied after the original thesis was written.

Japan. The length of time it takes for a religion to thoroughly train a race collectively may well be measured even today by the conduct of the troops of the Christian countries thrown in campaign among the so-called inferior races. The purely moral influence of a religion over a people is probably slower than its political and social effects, but even the latter are apt to be exaggerated by its propagandists.<sup>1</sup> Between the sixth or seventh and the twelfth or thirteenth century the interval was six hundred years, and yet the institutional study of feudal Japan and feudal Europe of the latter date does not seem to show that, either as an institution or as a principle, Christianity or Buddhism had been a fundamental cause of the gradual feudal formation. The important place which both religions have occupied in the feudal history cannot of course be denied. Institutionally, for instance, Buddhism in alliance with the Soga family hastened the Reform, the latter in turn constit-

<sup>1</sup> The following examples will show how Christianity is liable to be credited for all that the Western civilization has accomplished. Rev. Dr. W. A. P. Martin seems to ascribe the rise of the modern scientific spirit in Europe to the influence of the Gospel. "The style of Confucius," says he, "was an *ipse-dixit* dogmatism, and it has left its impress on the unreasoning habit of the Chinese mind. Jesus Christ appealed to evidence and challenged inquiry, and this characteristic of our religion has shown itself in the mental development of Christian nations." *Lore of Cathay*, p. 177.

Another well-known missionary says that among the Chinese "no acknowledgment on the part of the sovereign of certain well-understood rights belonging to the people has ever been required, and is not likely to be demanded or given by either party until the Gospel shall teach them their respective rights and duties." The latter part of this statement may be taken to imply that the development of the laws and constitutions in the Western countries are owing to the Christian teaching.

The great residuum of the power of Christianity for the future might have been pointed out with much greater effect than either of these confused remarks regarding the past could produce. These small slips, however, reflect the admirable moral zeal of the propagandists which, as well as their cause, cannot be too highly extolled. We are writing here as students of history, which capacity should not be misconstrued.



ing the necessary prelude to the feudal transformation of society. A similar connection between the Franks and the Roman Church forms a background for the rise of the feudal forces in Western Europe, where, still later, the Church seems to have exerted a great influence toward preserving longer and more easily than would otherwise have been possible the comparative hierarchy of the feudal organization. In various ways, also, religious considerations lay behind many a romantic incident in the history of feudalism, the effects of some of which have been far-reaching. Morally, too, the mental side of feudalism,—the spirit of chivalry and self-sacrifice, the permeating sense of contract, and the practical training in political and social conduct consequent upon the limited local interests of the fief and the balanced rights and obligations in more extended proportions,—may have in varying degrees been sanctioned, rationalized, or idealized, respectively, by Christianity and Buddhism. All these important considerations cannot, however, conceal the fact that feudalism has risen, developed, and fallen on both Christian and Buddhist soil, and withal independently from one another. In spite of the difference in religion and independence in history, the tremendous effects of both of which cannot be easily overestimated, the feudal mind of the East and of the West showed such a remarkable coincidence in the moral and material training it had received, that today, after their contact, Europe and Japan marvel at their unexpectedly facile understanding of each other. If their difference is significant, no less remarkable is their resemblance, and the latter must be not a little owing to the simulating in their historical discipline.

Thus our apparently casual question has led us to an interesting reflection that the history of the Far East is not without lessons of serious value to the student of comparative

history. Of these, one stands before us. It is something to know that a feudalism grew up in Japan independently of but coincidentally with that in Europe, out of a set of causes much similar in nature and principle to those which gave rise to the latter. The subject is large, and its interest from the institutional point of view needs no commendation, while its importance, may be measured by the great material and mental effects of feudalism that are still operating and will for a long time to come continue to operate in the midst of the society of Japan and of the West. The study of feudal origins promises to be as difficult in Japan as it has been in Europe. To such a complex and prolonged study, the present essay forms a brief introduction. It brings together from ancient Japan and China some of the forces which were artificially united in 645 A. D., and out of which grew an unexpected but thoroughly indigenous feudalism of Japan.

The position of the Reform of 645 in history may further be seen when it is said that it forms one of the two greatest crises of the national career of the Japanese people, the other being the Restoration of 1868.<sup>1</sup> The former was followed by five centuries of a gradual feudal formation and then by seven more centuries of an actual feudal rule of the Empire, which was finally replaced in 1868 by the Imperial authority, the same power that realized the change of 645.

This last consideration suggests that the historical interest of the Reform does not merely consist in its relation to feudalism, but also to the Imperial institution of Japan, whose

<sup>1</sup> Really the Reform was only begun in 645 and extended over several succeeding years. Likewise the Restoration formally commenced in 1867 and was not completed until some years afterwards. It is merely for the sake of convenience that the years 645 and 1868 are used throughout this work as the years of the Reform and the Restoration.

unique position among the monarchies of the world has been a subject of much wonder and misunderstanding. The student of comparative politics can hardly afford to neglect the study of the highly instructive history of the position of the Emperor in the national organization of Japan. It is the Emperor that forms the connecting link between the Reform and the Restoration. This is not all, for the Emperor antedated as well as instituted the Reform; not only subsisted in spite of feudalism, but also was the safeguard of its endurance; then survived it; and since has become the inspirer of Japan's enthusiastic national sentiment. It is impossible to understand the national life of that country without a correct knowledge of the status of her Sovereign, nor can the interesting history of his powers and the still more interesting evolution of his relation to the people be intelligible without a careful study of the Reform and the circumstances that caused it.

The Reform of 645 forms, therefore, in the history of Japan a great turning point. Its mastery seems essential to the study of that history.

Moreover, owing to the peculiar conditions under which the Reform was effected, its investigation will bring the student in touch with certain important features of Chinese history and civilization, whose interest can scarcely be less than that of the Japanese. Here, however, the interest is something more than merely historical or institutional. Two cultures, entirely different from each other both in degree and in kind, are not only contrasted, but are shown to have been fused together. Perhaps no subject is more interesting to the student of the science of society than the effects of the meeting of two races or two civilizations. The history of the Japanese institutional changes caused by the Reform, to which the following pages are an introduction, forms, great as the subject is, but a portion of the still 'greater problem, whose interest is

sociological, and which may be considered in the terms of the general human evolution.

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## ERRATA

Lines in *italics* are numbered from the bottom of the page exclusive of footnotes.

Page	Line	
2	1	<i>For</i> is takes <i>read</i> it takes.
"	6	" she latter " the latter.
4	7	<i>Omit</i> comma <i>after</i> importance.
"	11	<i>For</i> is has been <i>read</i> it has been.
17	12	" 378-379 " 281-282.
23	14	" use for " use of.
28	5	<i>Omit</i> comma <i>after</i> comparatively.
"	21	<i>For</i> relife <i>read</i> relif.
32	1	" afficacy " efficacy.
"	note 1	" p. 22 " p. 29.
33	22	" supposed <i>read</i> suppose.
35	note 1	" p. 22 " p. 29.
36	5	<i>Omit</i> a far <i>after</i> a far.
"	note 2, line 1	" of the importance <i>after</i> importance.
38	4	<i>For</i> We <i>read</i> we.
42	4	<i>Omit</i> not <i>after</i> will.
49	16	<i>For</i> meaning <i>read</i> meanings.
51	note 1	" 35-6 " 41-2.
53	11 and 12	<i>The quotation mark to be transferred from after races in line 12 to after times in line 11.</i>
"	1	<i>For</i> colosely <i>read</i> closely.
56	note 4, line 2	" negrets " regrets.
58	12	<i>For</i> PATRIA POTESTAS law <i>read</i> PATRIA POTESTAS lax.
61	2	<i>For</i> thetribal <i>read</i> the tribal.
62	11	" has " was.
66	13	" featur " feature.
70	5	" not " nor.
"	note 2	<i>Omit</i> to <i>after</i> seems.
74	3	<i>For</i> or a <i>read</i> of a.
75	3	" id " in.
76	6	" evidency <i>read</i> evidence.
77	1	" Cultivated <i>read</i> cultivated.
80	17	<i>Omit</i> history <i>after</i> history.
81	13	<i>For</i> kudara <i>read</i> Kudara.
87	10	" "first" " "first3."
"	11	" "first3" " "first."
90	13	<i>Insert</i> comma <i>after</i> ETACHI.
98	8	<i>For</i> this <i>read</i> his.
102	17	" no " so.



## BIBLIOGRAPHICAL CHAPTER.

OUR first chapter, which treats of the Japanese institutional history before the Reform, is based on a comparative study of the *Kojiki* 古事記<sup>1</sup> and the *Nihongi* 日本紀,<sup>2</sup> which are the two earliest extant historical writings of Japan. We know from its preface that the former was written in 711-2, and the latter is stated, in the *Zoku-Nihongi* written in 787-9, to have been completed in 720. So it would appear that these two works were written closely the one after the other. Furthermore, Futo-no-Yasumaro, who wrote the *Kojiki*, was also one of the scholars who composed the *Nihongi*. Yet the contrast between the two books both in form and in content will be noted by the most careless reader. In the first place, the language of the *Kojiki* appears to be the vernacular of the date of its composition, although it is composed in Chinese characters whose phonetic and idiographical uses are combined in a quaint and often ingenious manner. The *Nihongi* is written in a Chinese style as pure and dignified as its authors could make it, for they were evidently emulating the historical writings of China. This persistent effort of these writers has produced a work so thoroughly unnatural in many places, not only in language and style, but also in thought,<sup>3</sup> that the student has to be on his guard on every page. On the other hand, the *Kojiki* states in its preface that the primary purpose of its composition was to record the genuine traditions of national life before they should become too disfigured by the wear and tear of time.<sup>4</sup>

<sup>1</sup> KT, VII, 1-100.

<sup>2</sup> KT, I, pp. 574.

<sup>3</sup> Examples are too numerous to be cited. To take one instance, the famous suicide of Prince Wakairatsuko is not corroborated in the *Kojiki*, in which he dies a premature but natural death and the entire story is stripped of its Chinese garb.

<sup>4</sup> KT, VII, 6.

From this first difference, however, it does not follow, as some think, that those accounts in the earlier part of the *Nihongi* which are not corroborated by the *Kojiki* should be rejected, and that, when parallel accounts occur in both, those of the latter should always receive precedence. It is true that the *Nihongi* from its first page abounds in anachronous and foreign matters, and gives the precise year, month and day of the occurrence to nearly every one of the events it contains,<sup>1</sup> while it has been proved that no date before about 500 A.D. can be accepted without criticism.<sup>2</sup> It appears that the fundamental bias of the compilers of the *Nihongi*, writing under an Imperial command and in a position where the system of the T'ang government which had lately been reproduced in Japan found its concentrating point, was to bestow on the persons and reigns of the historic emperors the fullest dignity, of which they could conceive, of culture and centralization. There is little reason why the student should neglect to scrutinize every account in the *Nihongi* that bears on the institutional life of the nation, if not on the question of dates and facts, in the light of this bias, and compare it critically with other allied accounts and inferences from the same book and the *Kojiki*. Even as regards the matters of facts and dates, it should be remembered, in the first place, that, while the records of the *Nihongi* grow more complete and authentic as they come nearer the year 697 where they end, those of the *Kojiki*, although the book closes at 628, begin to lose their narrative detail from 488, until they practically disappear by 532.<sup>3</sup> Not only does the compass of the *Kojiki* fall completely short of the Reform, but also

<sup>1</sup> The discrepancies of the dates of the *Nihongi* may well be illustrated by its careless references to Katsuragi-no-Sotuhiko in years widely separated from one another. (N. Jingo 卅 5 m 2 and Nintoku 卅 43.)

<sup>2</sup> See appendix.

<sup>3</sup> Florenz, pp. iv-v.

there may thus be said to be a practical difference of two centuries between its contents and those of the *Nihongi*. Within that compass, again, the latter contains, aside from the too frequent Chinese accessories, far more and fuller accounts of events than the former. In a very few cases only does the *Kojiki* speak which the *Nihongi* is silent, perhaps the most important being the murder of Shibi by the Princes Oké and Woké<sup>1</sup> and the introduction of the Confucian Analects and the Thousand Character Essay by Wani,<sup>2</sup> the latter of which is untrustworthy. On the other hand, the *Kojiki* omits, among other things, the Japanese relations with Korea after the Emperor Ôjin, which in our opinion furnish essential points for both the narrative and institutional history of Japan.<sup>3</sup> To these may be added the comparatively crude language of the *Kojiki*, by the side of the more advanced point of view of the *Nihongi*, which shows itself in its continual effort, uncritical as it may be, to name the important persons in history and even to penetrate to their motives.

One important consideration in favor of the *Nihongi* is that it made use of a larger number of older records than did the *Kojiki*, for while the latter was mainly based on the recital of one Ihiye-no-Are, a person of strong memory,<sup>4</sup> the former is essentially a work of compilation. In its accounts of the mythical age it quotes abundantly from some authorities which it does not name, and, after the reign of the Empress Jingô, although the citations from other works, which include a wide variety of sources, are alleged by some to be later interpolations, there can be no doubt that the accounts in the text were based on several older records that were then existing. We know from the *Nihongi* itself that in the fifth and sixth

<sup>1</sup> KT. VII. 157.

<sup>2</sup> Ibid. 117.

<sup>3</sup> See appendix.

<sup>4</sup> See the preface, K.



centuries there were naturalized Koreans, and probably also native students, who were employed in reading and writing,<sup>1</sup> and that in 620 Prince Mmayado and Soga-no-Mmako compiled "the Records of the Emperors, the Records of the *Kuni*, and the Original Records of the *Omi*, the *Muraji*, the *Tomo-Miyatsuko*, the *Kuni-Miyatsuko*, the 180 *Be*, and the free men" of the country.<sup>2</sup> The first two seem to have been deposited with the Soga family until their fall in 645, when the Records of the Emperors were completely and the Records of the *Kuni* partly destroyed in fire.<sup>3</sup> As to the third Records, we hear nothing of them after 620. After the Reform, there seems to have been a renewed zeal for historical composition, probably because of an increased stimulus from China with which Japan was now in direct communication, and whose culture she was consciously importing. In 681 the Emperor Temmu ordered six Princes and six ministers to compile the "Accounts of the Emperors" and write "various matters of antiquity."<sup>4</sup> Of all these records, it is unknown how much was still remaining in 720, when the *Nihongi* was written, but it is plain that the latter could not have been what it is without them. It is possible, too, that there may have existed some unconnected records, such as the decrees and edicts, the records of the appointments of officers, the reports from the local districts, and the like, that the compilers could make use of. It is at any rate noteworthy that, while the work has throughout an appearance of annals, it in reality becomes to be such only in its later part, for the first part is nothing more than an arbitrary chronological arrangement of fables and events. As the book draws nearer to its end, the nature of its accounts gradually changes to a compilation of records or their

<sup>1</sup> See N. under 403 *m* 8, 458 *m* 2, 465 *m* 7, 529, and 572.

<sup>2</sup> KT. I. 390.

<sup>3</sup> KT. I. 423.

<sup>4</sup> KT. I. 522.

abstracts. The *Nihongi*, therefore, is not a history, and it would seem that we have reasons to thank its writers for the undigested and therefore digestible mass of material that they have left to us. It is a valuable legacy for the students of all succeeding ages who will use it according to their mental outfit and draw thence their own conclusions.

So far we have been discussing the relative value of the two extant authorities for the institutional history of Japan before the Reform. As regards the Reform itself, the *Nihongi* is the only source for the period, for, as we have said, the *Kojiki* closes at 629. Concerning, however, the new laws and institutions of the Reform and their relations to the old, the *Nihongi* is, as we might expect from the nature of the work, altogether too brief. Its accounts are not only too concise, but also often so casual that they do not furnish us even with hints for a reasonably logical connection. Some of the most important examples of this kind will be discussed at length in our chapter on the Reform. There are circumstances, too, which make us suspect that some serious omissions may have been made by the writers of 720. The *Nihongi*, also, contains some assertive statements of the making or establishing of certain new things which leave us in doubt whether the latter were really carried into effect or simply announced.

Our questions arising from the imperfect account of the Reform contained in the *Nihongi* may be classed as follows: whether there were done other things than are mentioned in it, how to understand its fragmentary statements, and whether such new laws as are herein referred to were really enforced. These questions will again fall under two heads: the intentions of the Reformers, and the actual work of the Reform.

To these must be added another set of questions concerning the principles of the Reform and their historical significance, of which the statesmen of 645 may have been in a large measure unconscious, but which nevertheless must be considered, in the

eye of history, as a matter of primary importance. Now it seems to us that these questions may be approached from both ends of time, that is to say, both from the origins and from the tendencies and consequences of the Reform. Of these, the origins must be traced far into the Chinese history, for the Reform was a confessed adaptation in Japan of Chinese political doctrine and institutions. We can as a matter of course expect little information about them in the *Nihongi*. For this reason we have made use of some Chinese sources for our general summary of the origins of the Reform. As to its later tendencies and consequences, which were indeed beyond the moral control of the Reformers, but which ought to give to a critical student a considerable insight into the principles of the Reform and their historical meaning, such Japanese authorities as will throw light also on the other questions that we have stated in the preceding paragraphs have been used. Let us now consider what these authorities are.

(1). First among them may be mentioned the Code of 701, the *Riō-no-Gige*,<sup>1</sup> which was framed after the Chinese Code of the Yung-Hwui period (650-5), that unfortunately has not, it is said, been preserved in its original form.<sup>2</sup> The penal part of the Japanese Code exists today only in scattered citations in certain other books. The remaining portion, however, has been handed down to us very much in its first shape, except

<sup>1</sup> KT. XII, pp. 1-328.

<sup>2</sup> Some statements in the *T'ang Shu* by Liu H'ü may have been copied from the lost Code. The office of the Governor of the *Kwo* (lik. 43) is, for instance, reiterated *verbatim* in the *Riō-no-Gige* (VII, 33), which seems to point to the conclusion that they both copied from a common source, for the *T'ang Shu* was written much later than the *Riō*, and the latter could not have been used by the author of the former as a material for his Chinese history. It should be remembered, however, that Chinese laws often preserve formal statements handed down from preceding generations, so that the definition of an office found in the law at one time may have been familiar in China for centuries previous. The common source of the *Riō* and the *T'ang Shu*, therefore, may not necessarily be the Yung Hwui Code. There is a field of critical investigation in this direction.

two rather unimportant sections out of the thirty into which the work is divided. Even these two have been largely replaced from the quotations found in some later sources. The thirty sections cover nearly every branch of public and private law, from the official organization of the central and local government to the system of taxation and land-allotment of the people, from the religious and military institutions to the laws regulating police and market, and from the rules of court etiquette to the matters of funeral and of medicine, as well as the formulae of official documents and other miscellaneous subjects.

Something must be said respecting the form in which the Code has come down to us. It exists only in the edition of 833, which contains, besides the text of 701, the official commentaries compiled in 718 and in 833. The dates are not noted, and hence it will be an important question how much was the original law of 701. The work is written in three different types which interlace one another in each article, the first being the largest, the second smaller, and the third in the form of double-lined gloss. Of these, the first forms the main text, while the other two are comments on it. Of the latter, again, the second type occupies a far smaller portion of the commentary than the third. We establish that the third type was written after and the other two before 809, for an edict of that year<sup>1</sup> cites passages<sup>2</sup> from the latter two, but does not refer to the corresponding portion of the former which, if it had then existed, could not from its nature have escaped reference. This evidence would seem tantamount to saying that the third type represents the commentary of 833, for no other comment was made between 809 and 833 which has been accepted in the work of the latter year.<sup>3</sup> It remains

<sup>1</sup> S. VII—ii—4, (KT. XII. 650).

<sup>2</sup> R. XIV—54, (KT. XII. 147).

<sup>3</sup> See the Preface of R.

to be determined how much of the portions written in the first two types was the original Code of 701 and how much the comments of 718. A careful study of the external and internal evidence ought to be able to decide the question without great difficulty. We have not, however, thought it an urgent matter for our present purpose to establish a difference of seventeen years, and have, for the sake of simplicity, considered the text in the first type the Code of 701 and the comments in the second the gloss of 718. This usage may not be absolutely arbitrary, because the second type is not likely to have been a part of the Code, although it is not altogether impossible that the first, in spite of its finished and homogeneous form, may have been the Code as it was recast in 718, if the necessity of such an attempt could be demonstrated to have ever been felt.

Furthermore, we are of the opinion that the portions in the third type, which we have proven to have been written in 833, may also be used, under a certain precaution, to elucidate the Code of 701, and our grounds are as follows. Are these portions, technically speaking, a commentary or a law? In other words, did they have a binding force in 833, or are they, as the name of the work (令義解) indicates, a mere interpretation of the Code from the point of view of that later year? To this question we must answer that they were a commentary and a law. They are a commentary, because they endeavor rather to interpret the old law than set down new rules to be followed. They explain the clauses of the former, first, by analysis and inference; secondly, by the knowledge gained by later experience; and, thirdly, by Chinese analogies. The last are particularly imperfect, in cases running into a mere pedantic array of legends and anecdotes couched in the favorite balanced sentences. They were also a law, as they could not help referring continually to the later development, so that where the law of 701 had become partly obsolete they would



try to modify it by such comment as would be unexpected from the original clauses, without however removing the latter. Again, it must be said that they are an imperfect commentary and imperfect law, — an imperfect commentary, because they failed to exclude the later development; an imperfect law, because they never pretended to be a new law. This double deficiency may be best illustrated by the articles dealing with the allotment of land.<sup>1</sup> The six-year period of allotment, which was no longer strictly adhered to in 833, was not for that reason rejected, while the comment that the new allotment applied only to the hitherto unallotted people may have been a lesson taught by the long experience and a wide departure from the original intentions of the Code.<sup>2</sup> On the whole, while imperfect in either capacity, the insertions of 833 are more imperfect as a law than as a commentary. It is dangerous to rely on it for a study of the actual conditions of 833. It is less unsafe to use it for 701. The available correctives will be named presently.

We have reserved to this point the question as to the value of the Code of 701 for our study of the Reform of 645. The nature of the Code was, as we have already intimated, to carry the Reform to its more systematic conclusions,<sup>3</sup> to improve its detail in the light of the experience of a half-century and a better understanding of the Chinese model, to introduce certain new material, and finally to serve as its commentary. This feature is exactly what differentiates the Code from what it would have been if it had had no such precursor as the Reform, which it was its mission to defend and expand. For example, it would otherwise have paid a closer attention than it did to the fact that the 里 (*sato*) had been growing since

<sup>1</sup> R. IX—20 to 30.

<sup>2</sup> See R. IX—21.

<sup>3</sup> E.g., division of the *Kuni*, as well as the *Kōri*, into different grades.

646, instead of defining it, as it did,<sup>1</sup> as an administrative local division of about fifty houses, precisely as in the time of the Reform. Very soon, in 713, the 郷 (*sato*) is spoken of in a decree,<sup>2</sup> and in 715<sup>3</sup> the 里's position was occupied by the 郷 and the former term was henceforth applied to the subdivisions of the latter.<sup>4</sup> On the whole, the Code stands in the same relation to the Reform as do the notes of 833 to the Code, in that it is partly a law and partly a commentary, with this important difference, however, that the Code is much more of a law than the notes are a commentary. What use of the Code may we be justified to make, when we find therein a key to the logical connection of the fragmentary accounts of the Reform contained in the *Nihongi*, and also when we meet in the former a different principle or institution from what corresponds to it in the latter? We must always remember that between the Reform and the Code there exists a difference of more than fifty years, which we think must have been a rather important period of time, compared with its actual length, because it immediately followed a great revolution of both the central and local government, which must have sharpened the curiosity and power of political observation. Experience must have been a more inspiring mentor in such a period than in ordinary times. At the same time, the Chinese laws and institutions must have been better understood at its close than in its beginning, or at least more completely reproduced. Our question, therefore, finally settles on the intervening period, which must be studied almost solely through the last part of the *Nihongi* and the first few pages of the *Zoku-Nihongi* (續日本紀).<sup>5</sup> The nature

<sup>1</sup> R. VII-1.

<sup>2</sup> Z. V. 6 (KT. II, 79).

<sup>3</sup> The "The *Izumo Fûdoki*" (出雲風土記), quoted in Kurita, X. 30.

<sup>4</sup> Study carefully DK. I. 219-291, 333, &c., and also documents quoted in Kurita, X. 28.

<sup>5</sup> KT. II. pp. 788 ff. A more fastidious student would perhaps prefer a more refined pronunciation for what are to-day commonly called *Nihongi* and *Zoku-Nihongi*.

of the latter work, which was compiled in 794-7, is somewhat similar to that of the later portion of the former, consisting almost entirely of abstracts of the decrees and edicts, the official appointments, the more important affairs concerning the work of government, and the happenings around the Court. There is here some material for analysis, but no actual analysis has been thought of by its compilers. Nor have they attended to the conditions of the people. Hence it not infrequently happens that the more important our problems, the more silent they are about them. What might be done when the textual evidence of the intervening period so unfortunately fails? We have suggested an answer to this question in pages 378-379. It is feared that such high qualifications as are stated there are rarely to be met.

(2) Next to the Code of 701, we might consider that of 927, which is known as the *Yengi-Shiki* 延喜式.<sup>1</sup> The name indicates that this Code belonged to that class of law which, under the name *shiki*, defined the functions of the governmental offices. Owing to the centralized character of the new State-system inaugurated by the Reform, the Code naturally touches all the phases of national life.<sup>2</sup> To take a single instance, it is in this work that we can obtain the fullest idea of the extent to which the important system of taxation had grown in the beginning of the tenth century.

It should not be imagined, however, that this Code in every case reflects the actual conditions of the country at that time, for, as a Code, it rather looks backward, incorporating into its text the result of long usage and desultory legislation, and rarely prescribing rules essentially new. It, moreover, does

<sup>1</sup> KT, XIII, 85-1190. The author is aware that the term "Code" for the *Shiki* is not well chosen. It will, however, roughly indicate its nature.

<sup>2</sup> The famous collection of the *Norito* (formulae of words to be addressed to the gods) is particularly interesting for the student of the social side of the people of ancient Japan. VIII, viii, (KT, XIII, 242-280)

not repeat the old laws which had not been altered by time, and has a deference to the first great Code, whose unchanged articles it never reiterates but invariably refers to. Finally, it, being a work of codification undertaken by the government, hardly recognizes the increasing tendency of the time to remove in many points of primary importance from the original intentions of the Reform, which tendency may be inferred only partially from the minute regulations that the Code sets forth to counteract it. All these considerations make the *Yengi-Shiki* particularly imperfect as an evidence on which to construct the history of its own time. Remembering, however, that our intentions are rather to study the tendencies and consequences of the Reform, in order to understand its principles and their significance, the Code of 927 may be legitimately utilized under a sufficient precaution. In fact, we have made use of it not frequently, only with a view to illustrating the general course of evolution of the forces introduced by the Reform, without much regard to its date and the questions connected with it.

(3) The common defect with the Codes is, as will be readily seen, that one does not know how far their rules were really enforced. This we have sought to counterbalance by the use of two important sets of sources: the occasional edicts and decrees issued between the beginning of the eighth and the beginning of the tenth century, and other official documents of the first half of the eighth century which emanated principally from the local authorities.

These latter documents are contained in the first and only two volumes that have already been published of one of the two great series of historical writings that the Japanese Government is editing. The present series is entitled the *Dai-Nihon Kōbunsho* (大日本古文書, ancient documents of Japan),<sup>1</sup>

<sup>1</sup> The other series is called the *Dai-Nihon Shirin* (大日本史料, historical material of Japan).

and its first two volumes, both published in 1901,<sup>1</sup> cover the periods, respectively, between 702 and 735, and 736 and 747. The more important of their contents are, as we have stated, official documents originating from the local government. Among them will be particularly noted the census-records and the accounts of revenue and expenditure, which, incomplete as they are in many cases, comprise widely scattered regions. Their value in showing the actual working of the laws of taxation and land-allotment, with a train of important institutions connected with them, can not easily be exaggerated. They also throw considerable light on the actual conditions of the people,—how the family was constituted and why so constituted, how the burden of taxation was felt in it, how the outlaws, the destitute, and dead rice-loans, on the one hand, and the untaxable population, on the other, simultaneously increased, and how the old institutions lingered among the people. Nor are they silent about the tightening demands of the central government on the local, on the one hand, and the tremendous growth of that national parasite, the Buddhist Church, on the other.

(4) Most of such edicts and decrees of the eighth and ninth centuries as we have advantageously used are to be found in the collection known as the *Ruishû Sandaikaku* (類聚三代格),<sup>2</sup> which is a classified compilation from three earlier collections, now lost, which were made by the government, respectively, in 820, 871, and 907?, and covered the periods, 701-819, 820-868, and 868-907. The documents were originally addressed from time to time, as necessity arose, to the local government, with a view to facilitating the operation of the Code and correcting the abuses of the officers and the

<sup>1</sup> Vol. I, pp. 657. Vol. II, pp. 737, 8°.

The third volume comprising the years 748-753 has been published since these lines were written.

<sup>2</sup> KT. XII, 329-1054.



people. Thus they betray, not only the existing conditions of the local government, but also, in most interesting manner, the general drift of things during the two hundred years. Their peculiar value is largely owing to the general form in which the edicts are written, which needs a few words of explanation.

Each edict may be said to consist of four parts: four characters indicating that it emanates from the controlling office (*Daishô-gwan*) of the central government<sup>1</sup>; the title of the edict briefly telling of its nature, which was often regarded as an integral part of the text and referred to accordingly in the body of the edict; the preamble; and the body of the law, in which the impersonal Office introduces the commands or decisions of the Emperor or some one of his highest ministers. Of these parts, the body of the law is usually very brief, while the preamble is generally much longer, and often quotes other laws or the Code and makes lengthy remarks about them. For our purpose, indeed, the preamble is the most important part of all, and this, again, is due to its peculiar form. It is sometimes a direct statement made by the Office, but oftener consists of a petition or suggestion from some other source. The latter may be either (1) some Councillor of the State (*Nagon*); (2) some one of the eight Departments, sometimes on its own advice, sometimes quoting a lower office or a *Kuni*; (3) some *Kuni*, sometimes on its own advice, sometimes quoting a *Kôri*; or, perhaps most interesting of all, (4) some special agent of the central government, through whom the common people or the *Kôri* officers directly appeal to the *Daishô-gwan*, without the intermediary of the *Kuni* government.<sup>2</sup> Hence it

1. It is not necessary to say that for a short period (759-764) the name of the *Daishô-gwan* was temporarily changed.

2. S. VIII-i-8, XVI-iii-7, iv-10, XII-i-1, &c.

Of course, the chances must have been small for the people to express their grievances directly to the central government.

is that all the edicts, or nearly all, are results of petitions or suggestions. When they are not such, they are based on some existing grievance,<sup>1</sup> so that the edict is in every case an *a posteriori* law.

From this description, it will be easily seen that, not in each single document, but in many taken together, the remarks contained in the preambles of the edicts represent three different points of view and reveal three different sides of the institutional life of the nation, for in them are reflected (1) the shortcomings of the working system as viewed by the central authorities, (2) its effects on the local government and (3) on the people themselves. By a personal classification and analysis the student may gather from the preambles of this numerous collection some most important actual conditions, and successive steps of the great social transformation then taking place. Not less important are the continual references to the principles of Chinese political doctrine, on which the Reform had been based, and the views of various persons that betray their understanding of these principles.

The body of the law, less important as it is for our present purpose, throws light on (1) the degree of its effectiveness, which may be said to have been most meagre in the most important points, as their enforcement was left in the hands of the local officers, whose powers were steadily declining, and on (2) the attitude of the central government in respect to the changes which were going on, which was often evasive, indifferent, or self-confessedly too feeble to stem the tide.

On the whole, however, the edicts and decrees may not be free from the charge that they, as an historical evidence, convey too dark a view of the period. This may well be expected from their negative character. Yet we think that

<sup>1</sup> These edicts are often headed by the statement; "We hear &c." A few decrees found in the S, nearly all commence in this way.

their main difficulty as a material for institutional history lies rather in the too incomplete reference which they make to the great evils of the Reform system, for even with their combined intelligence the persons who have found their way into the preambles could not in those early years have foreseen the remarkable future development and detected its germs already forming under their eyes. Still less could they have analyzed its causes and prevented its growth. Nor did they even stop to consider the roots of the very evils that had already been growing up on every hand and outwitting their hand-to-mouth policy. Aside from this fundamental weakness, however, the student will rightly regard the edict and decrees as an invaluable material.

(5) The other sources of minor importance of which we have made some occasional use will receive reference in the notes from time to time. We may close this chapter by mentioning the miscellaneous works of the late Professor Kurita (栗田寛), which have lately been published by his son,<sup>1</sup> some of which have some bearing on our subject.<sup>2</sup> The Professor's untiring and profound scholarship is well reflected in these works, and, if he may perhaps be charged with some deficiency in the power of interpretation and rather an indiscriminate use of the authorities, his impartial collation of a large mass of material for every subject that he discussed should be particularly appreciated. Among the documents he has used are those manuscripts which have not yet been published but will probably appear in later volumes of the *Dai-Nihon Kobunsho*. We have made use of them only when they are quoted by him *in extenso* or where we can judge that the cited passages have evidently been extracted by him with judicious care.

<sup>1</sup> The "*Ritsuri-Sensei Zatcho*" (栗里先生雜著). 15 bks. in 3 vols. Tokio, 1901.

<sup>2</sup> Especially IV, IX and X.

## CHAPTER I.

### INSTITUTIONS BEFORE THE REFORM.

It is hardly necessary to say that, in order to understand the nature of the Reform, a review shall be made of the conditions that existed in Japan before 645. On their study must be based the discussion as to whether a sweeping reform was really needed, and, if so, what kind of reform; and what earlier conditions and institutions, in what way, gave tone to the Reform, survived and influenced it, and had a share in the formation of the later development.

A student attempting to make such a review will at once find himself confronted by a chronological difficulty. From what point and with what precaution has he the right to make use for the material contained in the *Kojiki* and the *Nihongi*, which are the only existing sources of information for this early period? The *Nihongi* gives a precise date to nearly every event recorded in it, while the other book only occasionally mentions the ages of the Emperors, with a few statements of the lengths of the reigns only after the Emperor Kenzô (whose accession to the throne occurred in 485, according to the dating of the *Nihongi*), and, as to the dates of events, it has none whatever. Professor Naka's researches<sup>1</sup> point to a conclusion that the dates and facts in the *Nihongi* bearing on Japan's relations with Korea are utterly out of harmony with the dates and facts recorded in the ancient Korean and Chinese documents, until about 500 A.D., when both begin to fall in nearer together. From this, however, it would be rash to surmise that all the earlier dates must have been fabricated by the writers of the *Nihongi*. They, as well

<sup>1</sup> 那珂通世 in the *Shigaku Zasshi*, 史學雜誌 vol. VIII, Nos. 8, 9, 10, and 12. About the rendering of Japanese dates to the Christian era, see Appendix.

as the compiler of the *Kojiki*, must have had, besides oral traditions, some old written material that they could fall back upon, which ran back to a considerably ancient period. How far they did is a question for the student of chronology to consider. Here it suffices to say that the year from which, according to the *Nihongi*, the history of the Empire of Japan dates,—that is, the year 660 B.C.,—would appear to be not more authentic than any date assigned for the Trojan War. The reason is as follows. A man learned in calendar is said to have been sent, by request, from Korea in 554,<sup>1</sup> and a really earnest study of the Chinese science of chronology seems to have been made since 602.<sup>2</sup> That science had the famous system of cycles, sixty years forming a smaller cycle, and twenty-one such cycles, or, 1260 years, forming a larger cycle. The fifty-eighth year of the smaller cycle was supposed by the Chinese to be the year in which some revolution was liable to take place. It is possible that the writers of the *Nihongi*, seeing that 600 A.D. was the first year of revolution before the adoption of the calendar, may have counted backward for the space of one large cycle, thus reaching the year 660 B.C., and called it the year of the inauguration of the Yamato government. At any rate, the coincidence is striking. Is it not possible, too, that, in their attempt to reconcile the long stretch of time they thus imposed upon the antiquity of Japan with the purely traditional part of history that preceded the later part which had contemporaneously or not long after the occurrence of events been committed to writing, these writers rather arbitrarily fixed the ages of the early Emperors, and placed vaguely remembered facts in convenient parts of their reigns? This is a pure hypothesis, but some evidence may be brought to bear upon it. It is only necessary for our purpose, however, to remember that great

<sup>1</sup> N. Kimmei, *y* 15 *m* 2.

<sup>2</sup> N. Suiko, *y* 10 *m* 10.



caution must be used in dealing with particular *events* and *dates* that are recorded to have occurred before about 500 A.D., while an *institutional* history may derive some information from the account of the earlier period, or at least apply to it some of its inferential reasoning.

I.

By the year 500 we already see the Emperor<sup>1</sup> securely installed on his throne and exercising powers which form the basis of a political philosophy peculiar to Japan. He had power over life and death of the subject.<sup>2</sup> He could emancipate slaves and degrade freemen into servitude.<sup>3</sup> He bestowed, changed and revoked titles of his subjects.<sup>4</sup> He created his royal estates out of the possessions of private citizens,<sup>5</sup> and assumed power to employ people under their separate tribal chiefs.<sup>6</sup> While he was the head of a patriarchal society and his orders passed through the heads of the families and quasi-families, yet his authority seemed in theory to penetrate to the child lowest in the patriarchal scale. Nor was this power limited to the Emperor alone, but seemed to extend to other members of his family. Thus we observe an empress punishing

<sup>1</sup> We purposely avoid, in spite of its wide usage in foreign literature, the misleading term *Mikado*. If it be not for the natural curiosity of the races, which always seeks something novel and loves to call foreign things by foreign names, it is hard to understand why this obsolete and ambiguous word should so sedulously be retained. It originally meant not only the Sovereign, but also his house, the court, and even the State, and its use in historical writings causes many difficulties which it is unnecessary to discuss here in detail. The native Japanese employ the term neither in speech nor in writing. It might as well be dismissed with great advantage from sober literature as it has been from the official documents.

<sup>2</sup> E. g., N. Yûriaku, *y* 7 *m* 8.

<sup>3</sup> E. g., N. Ibid, *y* 14 *m* 4.

<sup>4</sup> E. g., Ibid, *y* 14 *m* 15; Kenzô *y* 1 *m* 5.

<sup>5</sup> E. g., N. Ankan *y* 1 *m* 4.

<sup>6</sup> E. g., N. Kôgioku *y* 1 *m* 12.

a criminal by degrading his title, while, it is assumed, she could inflict on him capital punishment.<sup>1</sup> Another empress<sup>2</sup> wielded, whenever an interregnum took place, power substantially the same as that of an Emperor, and issued her orders as imperial decrees. Likewise, a son<sup>3</sup> of an Emperor created a quasi-family group, another<sup>3</sup> sat in judgment over a State trial during an interregnum, and still another was declared above punishment of law because he was heir to the throne.<sup>4</sup> The verbs "to govern" in classical Japanese meant "to see," "to hear," "to know," and "to live on." The set expression used in the *Kojiki* at the beginning of its account of the reign of each emperor, which is translated by Chamberlain: "he ruled the Empire," literally means "he knew [the region] under the sky," in which "to know" was to know it as he would know a thing of his own. The Emperor knew the land as his own, saw and heard it as his own, and lived on it. The whole Empire was his domain. The chiefs and sub-chiefs under him ruled over their respective lands and people, but their rule was, as will be shown later in this chapter, not ownership, but superiority, which could not resist the interference of the sole owner, the Emperor. In this theory, and in the explanation of its origin, consists the peculiarity of Japanese political philosophy. What is the explanation? There appears to be some confusion of thought in the current notion, which I propose here to analyze.

I. A strong element in this notion that has repeatedly cropped up during the long history of Japan is the famous one-tribe theory. The whole nation has, the supporters of this

<sup>1</sup> N, Ingō y 2. Cf. N, Nintoku, y 40 and a different version of the same story in K, (KT, VII, 133-4).

<sup>2</sup> Yamatotakeru-no-Mikoto, N, Keikō y 40.

<sup>3</sup> Ōsasagi after Ōjin's death, N.

<sup>4</sup> N, Ingō y 24.

theory contend, descended from one single tribe, of which the eldest member of the eldest line is the Emperor himself. According to this notion, therefore, the nation is a family and the Emperor is the house-father. Long before the rise of the first Emperor, it is said, his ancestors ruled in heaven, or, some region on earth that has since been enhanced by popular tradition to heaven; then their eldest children descended on the island of Kiushu, while another branch had occupied Izumo and still another possessed Yamato, in the main island. When the first Emperor moved eastward on his career of conquest, every important resistance offered by any person came from the descendants of the Izumo and Yamato branches or their adherents, who were, after all, kith and kin of the conquerors. Later, indeed, many Koreans and Chinese were naturalized, and still more barbarians of the north and the south were intermingled with the natives, but they were drops in the ocean, or, at most, so insignificant that they were easily incorporated or assimilated. Such is the general trend of the one-tribe theory. It is needless to say that the theory is at its best a respectable fiction. It is based on no ancient record, and no authoritative statement is known to have been made that implies it.<sup>1</sup> Even the forms of the Imperial prayers, in which the Emperor persistently declares the origins of his sovereignty, contain, as will presently be seen, no reference to the fiction. Nor did the present Emperor, in granting the Constitution of the Empire, in 1889, make the slightest mention of the notion in any of his utterances. The strength of the fiction may perhaps be found in a circumstance of great importance, that, when the conquest of Yamato was accomplished, the conquerors, on the one hand, may still have been

<sup>1</sup> The phrase—*姓* is justly translated by Aston as "single Houses." See Aston, I. 316. (N. Ingiô, y 4 m 9.) The Imperial decrees that appear in KT. I. 442 and 443-4 cannot be used to support the one-tribe theory.

bound together by the tradition, whether true or untrue, that at least their ancestors had originally belonged for the most part to one single tribe; while, on the other hand, the conquered people must have been either comparatively so few in number, or comparatively, so low in culture, that the domination of the Emperor and his followers finally obtained, and was never after seriously disputed. The first half of this circumstance, if such has really been the case, must have begun to lose its force when the purity of the tribal hierarchy of the ruling stock was, as we shall see in other sections of this chapter, steadily becoming fictitious, and its validity could no longer have obtained when the Reformed Japan was built upon a political principle which was foreign in origin and entirely different from the blood-tie.<sup>1</sup> As to the other half of the condition, one would be seriously tempted to question whether its existence, if real, is not tantamount to saying that the country was small and thinly inhabited. Certainly the size and insularity of Japan must not be lost sight of in any discussion of her political development. The importance of both features of the circumstance herein referred to will be brought out in stronger relief, when, in a subsequent chapter, we come to consider the political situation of China.

2. If the one-tribe theory is a fiction, the theory of imperial succession is a tradition. The tradition has, and has always had, an authoritative standing of high importance, of which the fiction has nothing. It is based on no less authority than the statements of the *Kojiki* and the *Nihongi*, which substantially corroborate each other. In the beginning, says the *Kojiki*, all the Heavenly Deities commanded the two Deities, Izanagi and Izanami, ordering them to "make and consolidate the drifting land" below.<sup>2</sup> It being done, and the daughter

<sup>1</sup> See index under "one-tribe theory."

<sup>2</sup> K. I. (KT. VII. 10). Cham. 18. N. has no corresponding account.

of Izanagi again ascending to heaven, she commanded that her august grandson shall govern the country.<sup>1</sup> As he descended, she joined to him jewels, a mirror and a sword, which are still the imperial insignia, and charged him to regard the mirror exactly as if it were her spirit, and reverence it as if reverencing her.<sup>2</sup> One writing quoted in the *Nihongi* makes her say to him:—This rich land is the “region which my descendants shall be lords of. Do thou, my August Grandchild, proceed thither and govern it. Go, and may prosperity attend thy dynasty, and may it like Heaven and Earth endure forever.”<sup>3</sup> Upon this tradition, the theory early formulated itself that Japan was originally “made and consolidated” by the imperial ancestors, and was later charged to their descendants’ keep for all time. This notion reiterates itself in nearly all the important imperial decrees which have been recorded since the close of the seventh century, especially on the occasion of the accession to the throne.<sup>4</sup> It appears in the very first Article of the Constitution of 1889, which says: “The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.” In the Preamble of the Constitution the Emperor declares: “the rights of sovereignty of the State We have inherited from Our Ancestors and We shall bequeath them to Our descendants.” The student of political science will not fail to understand the significance of the persistence with which this theory has been pronounced by the reigning family.

<sup>1</sup> K. I. (KT. VII. 44, 48, 50 and 51). See Cham. 93 and 106.

<sup>2</sup> K. I. (KT. VII. 51). Cham. 108-9. Aston, I. 83. Observe the animistic belief implied herein, which is still potent among the people.

<sup>3</sup> N. II. (KT. I. 50). Aston, I. 77.

<sup>4</sup> The earlier decrees in the *Nihongi* are in the Chinese style of writing, and some of them must be far from their original, at least in form. The earliest decree in the genuine native style that has been preserved appear in 687, when the Emperor Mommu ascended the throne. Z. I. (KT. II. 1-2).



Indeed the sovereigns of all ages and nations would have wished to be armed with such a potent doctrine. Yet such a doctrine could not have been potent in all countries. Rival chiefs may rise together and charge simultaneously their respective children to own and rule the whole territory. Fortunately such rivals had not been forthcoming in Japan before the doctrine was crystallized. And why? One reason may be found in the condition which has been referred to in the last paragraph as possibly giving rise to the one-tribe theory, that is, the insular position, small size, and thin population, of ancient Japan.

3. Another reason was, Conquest. It would seem that the fact that Japan was conquered by the imperial ancestors, that the Empire was the fruit of a conquest pure and simple, needs in this connection all the emphasis it deserves. This fact has been symbolised in tradition by the imperial insignum of a sword. Again, when the deity of Izumo surrendered his territory, so a tradition relates, he offered to the conquerors a spear, saying:—"By means of this spear I was at last successful. If the Heavenly Grandchild will use this spear to rule the land, he will undoubtedly subdue it to tranquillity."<sup>1</sup> Likewise, when the first Emperor was struggling with various tribes, a sword is said to have been sent from heaven to subdue the land.<sup>2</sup> These either may or may not be beautified traditions based on no fact, but are nevertheless traditions that may be said to be at least symbolic. It was a hard-fought struggle and a hard-won success that the first Emperor waged and won, and the fact was precisely the one which would leave the deepest impression on the political philosophy of any nation.

<sup>1</sup> N. II. (KT. II. 45.) Aston, I. 69.

<sup>2</sup> N. III. (KT. II. 80.) Aston, I. 115. Also see N. Chûai y S.

A clearer insight into the significance, and perhaps also the genesis, of the three factors already enumerated which constitute the current notion of the imperial powers may be obtained from the study of the nature of the Japanese national cult, Shinto. Here the field is open for original investigations by trained sociologists. What follows is a summary of our own views which are presented tentatively as suggestions to be tested by the specialist.

Shinto is, even in its earliest records, found to be a composite body of beliefs which in general fall into two classes, namely, the lower religious ideas common with other primitive races of like stage of culture and the higher ones peculiar to the Japanese people. The first include such ordinary beliefs of the soul and of the spirit and ghost as are familiar to every student of social science. An inebriated Emperor strikes a rock with his cane, and the rock flees from him.<sup>1</sup> Deer talk like men,<sup>2</sup> and a man turns a white stag<sup>3</sup> or a huge serpent<sup>4</sup>; an ordeal of hot water is administered in the presence of an Emperor<sup>5</sup>; a story is recorded which combines beliefs in revelation in dreams, human sacrifice, augury, and the existence of false gods.<sup>6</sup> If it be objected that these legends may have been influenced by Korean or Chinese tales and that they do not constitute the Shinto cult proper, we may turn to the annual prayers of the Emperor, the so-called *Norito*, than which no other Shinto literature can be more dignified or more authentic. In them proofs are too many to be cited that the pantheon comprised numerous spirits, both good and evil, which cannot be included among the

<sup>1</sup> KT. VII, 118.

<sup>2</sup> KT. I, 203.

<sup>3</sup> KT. I, 208.

<sup>4</sup> KT. I, 207-8.

<sup>5</sup> KT. I, 181-2.

<sup>6</sup> KT. I, 197.

ancestral deities of the Imperial family, and that efficacy of ritual propitiation and exorcism, essentially the same as with other peoples, was believed in. The primitive nature of these beliefs has nothing out of harmony with the naïve life of the time when man and nature were intimate with each other and his poetic emotions were ejaculated in irregular verses extremely simple in conception. It will be seen later that it was precisely these lower religious notions which have repeatedly asserted themselves and eclipsed the higher features of Shinto, which latter form the national peculiarity of the cult. These centre around the legend of the deity Amaterasu, commonly represented as the Sun Goddess, daughter of Izanagi, whose traditional relation to the Emperor has already been shown.<sup>1</sup> It does not matter whether the legend is similar to or even has originated from some foreign myths, for it none the less forms, in its assimilated form, the essentially national characteristic of Shinto.<sup>2</sup> It will at once be seen that, in this sense, the legend has a strongly political character. The Emperor is the high priest of the nation, and his political sovereignty rests on a religious sanction. Let us now attempt to explain the origin of this peculiar composition of Shinto.

It again appears that the secret lies in the already emphasized fact of the conquest, which in our opinion is at the root of Shinto. As distinguished from a mere migration, a conquest implies the existence of conquerors and conquered, and, over the former, of a military leader.\* Both the conquerors and the conquered of Yamato must have had religious ideas which, although perhaps different in outward forms and somewhat excluding each other, were nevertheless intrinsically similar in

<sup>1</sup> See p. 22 above.

<sup>2</sup> Similarity or resemblance has too often been mistaken for a genetic relation. Again, the original connection between legends can in no way displace their sociological interpretation. The importance of these two points of precaution for the writers in the so-called comparative religion cannot be too strongly emphasized.

nature, as they in fact were still in the stage of the ordinary soul-lore and spirit and ghost doctrine, and still had not reached the point where the ritual religion is touched by the awakening of the rational moral sense. In this respect, therefore, both parties were not far from each other, and, if this were all, there could not have been a Shinto. The immigrants, however, had come to Yamato under a social condition peculiar to themselves, which was destined to change the entire aspect of the religion of Japan. Traditions point to the conclusion that they considered themselves as in the main having originally belonged to one tribe, of which their leader, now the first Emperor Jimmu, was the agnatic head. Even if this belief were vague, it was now time to remember and even magnify it, as the new-comers were confronted by the natives still incompletely subjugated. Political necessity must have strongly tended to elevate the mythical legends concerning the progenitors of the ruling tribe, whose common ancestral worship—for it will be easily seen that ancestor-worship of any form is but a phase of the common spirit and ghost lore—thus assumed great divine attributes. In this process of glorification no one could have been more actively interested than the Emperor himself. It is not difficult to suppose that during the period of imperfect subjugation his divine claims were loyally upheld by his followers, whose interest in the new land was one with his. The divine descent of the Imperial house and its perpetual right to the throne may have thus been elaborated on beautified myths, and established firmly enough before the pacification of the races around Yamato had proceeded to so large an extent that the Emperor and his men no longer saw in them their commonly dreaded foe. In this manner, we suppose, the tribal ancestor-worship of the conquerors was greatly idealized and, with its deeply political color, was superimposed upon the more common beliefs of the races. Thus was founded the national religion of ancient

Japan, later to be called Shinto,<sup>1</sup> of which the Emperor was the High Priest. It may be pointed out that the legends of the remotest ages recorded in the *Kojiki* and the *Nihongi* seem to betray marks of the handiwork of the myth-making Imperial conquerors, for with the advent of Amaterasu, the Imperial ancestress, the mythology appears to lose its original unity and become involved with inconsistencies. With it come, for example, her rule of Heaven to which her parent had no right to install her; the sudden elevation of her position so that even the more remote and once higher deities are found hereafter to be serving her; the tangible, corporeal Heaven and its humanized denizens; and the distinction between heavenly and earthly deities. As noteworthy is that, after the appearance of the Goddess, the reading through omens, and auguries<sup>2</sup> of the will of something higher than even the first incorporeal deities is no longer recorded in that particular sense, for the later divination seems to appeal to agents considerably lower than that highest will. Should this supposition be tenable, it would not be impossible to suggest that the framers of the political myths unconsciously arrested the older tendency of the tribe to rise toward a monotheistic notion, which on the contrary was so unobstructed in China that it became, as will be seen in a subsequent chapter, the foundation of her political doctrine. In Japan the elevated position of the daughter of Izanagi seems to have over-shadowed the feeble beginnings of the belief in the one ruling God.

However that may be, our main emphasis must be placed upon the proposition that what might be termed the official side of the new national worship was the later in origin but became the first in importance, while the popular side was the older and the more deeply rooted in the minds of the

<sup>1</sup> 'The Way of the Gods,' in contrast with Buddhism and Confucianism.

<sup>2</sup> Cf. KT, VII, 11. Ibid. 27 is where the Goddess hid herself.



people, and perhaps gained influence through the mutual contribution to it by the conquering and the conquered tribes. These two sides could not have been clearly distinguished by the primitive intellect, particularly because the conquerors themselves were steeped in the non-moral cultus of soul and spirit, of which indeed ancestor-worship was but a form. The co-existence of the higher and lower beliefs is, as has been said, well reflected in the words and rites of the *norito* prayers, and as plain is the animistic significance of the origin of the Imperial insignia.<sup>1</sup> Precisely owing to the juxtaposition of inharmonious beliefs, and to the unlevelled moral tone of the entire cult, the lower elements have often risen to the uppermost, to the degradation of Shinto, whenever the latter was found inadequate to satisfy the spiritual wants of the people. Herein lies the explanation of its frequent degeneration in history. This tendency manifested itself even before Buddhism was introduced into Japan, while the Hindu faith, when it came, besides better gratifying the religious sentiment of the Japanese, for a long time overshadowed the influence of Shinto, whose official and popular sides were thus almost severed between the Emperor and the common people.

Another important effect upon Shinto of the coming of Buddhism was that, the former being the national ancestor-worship, the care of the ancestral spirits of individual families, whose position had been rendered somewhat uncertain by Shinto, passed into the charge of the Buddhistic church. It is, on the other hand, peculiar nature of Buddhism that it cannot consistently with its tenets allow the manes to be received into its fold as agents actively interested in the welfare of themselves and their families. They enjoy, in the popular Shinto and Buddhistic beliefs alike, rather a passive existence in the ethereal world, and exercise a calm tutelary protection over

<sup>1</sup> See p. 22 above.

the living descendants. To these facts--that the Shinto ancestor-worship is primarily national and that Buddhism has greatly mollified the family spirits--must be largely owing the great difference between Japan and China, that the institution of the Family has a far a far more important status in the social life of the people of the latter country than of the former.<sup>1</sup> Other probable reasons will be suggested in our third chapter.<sup>2</sup>

Coming back to the political aspect of the earliest form of Shinto, it will be seen that it was a primitive national ancestor-worship with no moral creed,<sup>3</sup> no speculative theology, and even no particular place of worship. It was inborn in the heart of the conquering tribe, and its growth was natural from the political circumstances. It probably had no strong rival at first, for it must have been as powerful as were its upholders and as widely accepted as the work of pacification, and perhaps also amalgamation, extended. The political influence

<sup>1</sup> This difference was illustrated in a striking manner a few years ago in the island of Formosa. When, two years after the cession of the island to Japan, the Chinese inhabitants therein were required either to become subjects of Japan or retire to the mainland, many of them chose the latter alternative, notwithstanding their great material interests invested in the present abode. One of the reasons for this is said to have been their apprehension that they might be debarred by the new rulers from the exercise of their ancestral worship. British Foreign Office Reports, *Miscellaneous Series*, 1897. No. 440, p. 68.

It will be remembered how on this rock of ancestor-worship Roman Catholicism was shipwrecked in China in the eighteenth century. The worship really forms one of momentous problems which constitute the immense difficulty of the missionary work in that country. It would be a great illusion if local and temporary successes blinded one's eye to those questions which lie at the root of the matter.

<sup>2</sup> Confucius as much emphasized the importance of the importance of the ancestral worship as did Shinto discard it. Moreover, the tribal tie of the Chinese people was broken very early in history, so that the most real and enduring foundation of the society has from the time immemorial been the family, and the national sentiment of the people on the tribal or any other basis has been almost absent in the Chinese mind. Thus many causes combined to render the family ancestor-worship a matter of absorbing importance to the Chinese.

<sup>3</sup> The moral aspect of Shinto will be discussed at length at the end of this chapter. See Appendix.

of Shinto indicated the power of the Emperor, who may be considered the founder of the religion and was its sole legitimate High Priest.<sup>1</sup> It soon became necessary, as the organization of the Government advanced, to somewhat differentiate religion from politics, without, however, impairing their union in the hands of the Emperor. The seat of Amaterasu is said to have been transferred by the Emperor Sujin from his palace to a separate shrine near by,<sup>2</sup> and by the next Emperor to the new temple at Ise.<sup>3</sup> There is evidence<sup>4</sup> that somewhat after this latter event must have dated some of the *norito*, the prayers of the Emperor to the gods offered on the annual festal occasions, which have been preserved in the *Yengishiki*.<sup>5</sup>

<sup>1</sup> It has often been pointed out that in the archaic language of Japan political administration is synonymous with ritual performance. 祭 and 政 are the Chinese ideographs representing, respectively, the religious and political side of the functions of the Sovereign, which were originally covered by one word, *Matsurigoto*. This theory is probably true.

<sup>2</sup> N. Sujin, y 6. (KT. I. 107.)

<sup>3</sup> N. Suinin, y 25. (KT. I. 125.)

The *Kojiki* contains no accounts corresponding to the above.

<sup>4</sup> See the expression, "Amaterasu.....who art at Ise," in some of the prayers. (KT. XIII. 256, 264.)

It is not unlikely that most of the *norito* were composed after the Reform, although the main ideas embodied in them are evidently much older. We do not base our argument on the formal resemblance of the prayers to the extant ancient rescripts, the oldest of which date from the close of the seventh century, for it is possible that still older rescripts of similar form may have perished. On this point, compare our remarks on pages below (Appendix). The reasons that we think some *norito* date later than the Reform are the existence in them of expressions not altogether primitive and betraying sometimes Chinese influence and sometimes the advanced political and social concepts of the post-Reform period. Particularly notice such phrases as 王卿百官ノ人等 (KT. XIII. 261), 親王等王等臣等百官人等 (262), 三郡國々處々ニ御調糸由貴ノ御酒御饗ヲ海山ノ如ク置星ヲハシ (274), and 青海原ハ棹杣トサズ角驢ノ至ルキハミ大海原ニ舟滿チツヽケテ陸ヨリ往ク道ハ荷ノ緒結ヒ堅メテ磐根木根履ミサクネテ馬ノ爪ノ至ルカギリ長道間ナク立チツヽケテ (265). Some *norito*, at least their cores, are, on the other hand, apparently older, particularly the great purification prayer.

<sup>5</sup> KT. XIII. 254-280.

Whatever may be the dates of the majority of the prayers, there is little doubt that they were composed much earlier than the *Yengishiki*, the central ideas they contain being still older, and if they do not date so early as 500 A.D., We may be justified in seeking in them the religious grounds upon which the Emperor may have based his authority already at the latter date. From this point of view, it is striking that the *norito* are precisely similar in form to the old Imperial rescripts issued concerning mundane affairs, that their contents are distinctly political, and that everything is uttered from the Emperor's point of view. Nothing could better illustrate his political claims and the theory upon which they were founded than the language of these prayers. The claims were that all the attendants on his person, all the free people (天下公民), the country (國), and the throne, were under his complete ownership, and he asks divine blessings for them as his own. The theory which he persistently declares and which he makes the dominant tone of the entire literature is the celebrated theory of the imperial succession, that the Imperial Ancestress, at the counsel of the eight hundred myriad deities of heaven, charged the Imperial Grandchild to rule in peace the country for eternity.<sup>1</sup> On this fundamental principle the Emperor proceeds to pray for the comfort of his person in food and raiment; for the good behavior and loyalty of his immediate followers, and their protection from evil; for the successful harvests of the country; prosperity and perpetuation of the Imperial house; and for the peace and eternity of the Empire.<sup>2</sup>

<sup>1</sup> 高天原ニ神留リマシマス、スベムツロキ、カノロミノ命モチテ、皇御孫之命ヲ、天津高御座ニマシテ、天ツ麗ノ劍鏡ヲ捧持タマヒテ、言辭宣リタマハシク、皇我が宇都ノ御子皇御孫之命、此ノ天ツ高御座ニマシテ、天ツ日嗣ノ万千秋ノ長秋ニ、大八洲豐葦原瑞穗國ノ安國ト平ラケク、シロシメスト、言寄シマツリタマヒ、云々、From the 大毘祭, KT, XIII, 266. Also see 268, 270, 276, 280, etc.

Notice that the one-tribe theory receives no mention in the entire literature of the *norito*.

<sup>2</sup> The question of purification will be discussed later. See Appendix.

The foregoing paragraphs probably have made clear our suggested genesis of the imperial authority in Japan. Attention is called to another interesting point of the early history of the conquest. <sup>1</sup> It is noteworthy that the assemblies of the eight hundred myriad deities so frequently recorded in the mythical period, whatever they may mean, cease to occur after the appearance of the first Emperor, either in their original form in heaven or in a copied form on earth. The former assemblies are stated to have deliberated in administrative and judiciary matters, and participants were presumably all the inhabitants, or at least all the important ones, of the so-called heavenly region. It would be hard to comprehend the motive which prompted the writers of the histories to ascribe to a distant age a thing unknown in their own times either at home or in the neighboring countries, — a thing not easily forgotten by the people who have once known it, but extremely unlikely to be invented by the imagination of a race absolutely unacquainted with it, — had it not been for the tradition of a tribal custom of their remote ancestors. If the recorded assemblies may thus be taken to reflect a faint memory of the gathering of the citizens, of whatever capacity, for deliberation in common council, their complete disappearance after the conquest may not be altogether without significance.<sup>1</sup> When this matter is considered in connection with the simultaneous development, as we supposed, of the Shinto cult, it seems almost natural to think that the subjugation of Yamato by a tribal chief forms a powerful starting point of Japanese history, for, as we shall see throughout this work, the position of the Emperor at the time of the conquest has profoundly affected the entire course of the subsequent national career.

Nor is it at all strange that the conquerors of Japan should have, on the one hand, beautified and ennobled their tribal

<sup>1</sup> See Appendix.



myths and, on the other, done away with the tribal assembly, and that by these methods the imperial authority should have been so firmly implanted in Japanese history as has been described. Had William of Normandy conquered England in 486 instead of 1066, or in 486 B.C. rather than 486 A.D., and, not as the mighty feudal overlord that he was, but as a great tribal head like Clovis or greater, and had there been no Roman rule and no Saxon and Danish invasion either before or after him, the English political theory would not perhaps have stopped at the point where the whole realm belonged to the Crown, nor could the ground drama have been developed between the king, nobility and people, on the general principle of give and take, the fruits of which are said to distinguish the organic law of the so-called Anglo-Saxons from that of the rest of mankind.<sup>1</sup> In Japan, indeed, feudalism did come, but came too late to forestall the formation of her peculiar doctrine of the throne and to infuse into it a theory of political contract. Feudalism itself was, when its power waned, displaced by imperialism, which has since sprung again into a new life.

It seems proper at this point to arm ourselves against a dogma of European origin, to which the foregoing discussion may easily lead the unwary reader. We are ever apt to assume that in any Oriental country the great powers of the sovereign must always imply his despotic rule over a down-trodden people. It may be legitimate to suppose that large powers vested in a single person are prone to abuse, but at the same time it should be considered whether and what corrective forces against the abuses there exist in a given country. As important will be found the mental reactions between the prince and subjects, which must operate in a different way in one country from another. In both these

<sup>1</sup> See Appendix.

respects, namely, regulative influence and psychological reaction, the case of Japan may be said to be unique among the monarchies of the world. She possesses a powerful tradition by virtue of which the relationship between the ruler and the ruled assumes in the main an emotional aspect, which can hardly be ruled by the philosophy of right and duty. Affection and devotion toward a good ruler is natural, nor is forbearance under a bad prince slavish, and these emotions may be as unaffected as the response of the sovereign, for both parties are consciously or unconsciously influenced by a great national tradition. The last, stated in a plain language, is: the ruler shall be kind and the ruled loyal. It may be said that similar traditions may exist everywhere without much force, but they would have gained force had they had the same history as in Japan. Looking over the language of the *norito*, one receives an impression that the Emperor exercised a literally absolute sway over his subjects, while it appears in the *Kojiki*, and even in the *Nihongi* in which the glorification of the Imperial position is consciously intended, that the life of the Sovereign was at first extremely simple and naïve, and, instead of being secluded in the folds of a magnificent palace, and wielding there an arbitrary power through a corps of great officers, he changed his temporary abode from one hut to another on each important occasion in life, commingled with the people with perfect freedom, and, although enjoying their child-like obedience, was himself in such a natural relation with them that the foibles of his human nature were perfectly open to their view. The discrepancy is readily explained. The prayers represent the Emperor in the first person, whose claims and hopes they boldly pronounce. The histories, especially the *Kojiki*, reflect the actual state of his power, and therefore supplement the objective side which the *norito* lack. The status of the Emperor, however, was not only simple, but was restricted by material consideration inevitable with the

prince of an agricultural population. Here the subjective language of the *norito*, sincerely spoken before the gods, supplies what is not to be seen in the histories, for the latter record facts, not wishes. No careful reader will not fail to observe that throughout the former the Emperor manifests his deep solicitude concerning the favorable weather, plentiful harvest, and continuous happiness, for his people. The explanation is not far to seek, for the security of the Imperial power would lie in the loyalty of the people, which would in turn be insured by their peace and contentment caused by a beneficent rule. This material consideration must have been all the more effective upon the Emperor, as his relation with the people was so intimate as has been described. Add to this the supposition that, on the one hand, his high theory of divine succession may still have stood in the need of convincing the popular mind by his persistent good government, and, on the other, the tribal memories of the ruling class of the people may have existed in the form of a more or less sentimental relationship closely akin to the family tie, between the Sovereign and his followers. It would seem that under these circumstances the political tradition concerning the ruler and the ruled was slowly but surely built up, until it gradually became a fixed mental habit of the people of Japan. From this beginning, the evolution of the tradition, with its remarkable changes and vicissitudes, may be traced in an elaborate essay. Let it suffice to say in brief that, barring such occasional failures as must be allowed for the frail human nature, the traditional duty of the ruler to be solicitous of his subjects' welfare and of the ruled to uphold his virtue and be loyal to his person has been as successfully maintained throughout the long, eventful history of Japan as, it may be said, any of the unwritten conventions of the English constitution. It is possible that the Chinese notion, which will be discussed at

length in a later chapter, that virtue creates power and good government alone maintains it, may to some extent have rationalized this tradition at least on the part of the ruler. This process is already seen at the time of the Reform.<sup>1</sup> It is significant that the influence of this foreign doctrine has not been manifest on the part of the ruled, whose idea of loyalty well coalesced with the cognate notion from China but has forcibly resisted her philosophy of revolution of virtue against vice. The evil ruler may be overthrown in China, but must be endured in Japan. The feudal regime of Japan, however, seemed to have produced an immense effect upon the political ideas of her people. It will be seen that feudalism, besides emphasizing the personal element in social relations, naturally teaches hard lessons in rights and duties, which now forced themselves for the first time in an effective way within the political horizon of the Japanese people. Feudal relations thus trained the race both emotionally and contractually. The notion of popular rights was sporadically asserted by some daring leaders of the peasants, and the Tokugawa government seemed to condone their uprisings against the intermediate lords whose power it sought to curb. Yet the devotion of the men toward their lord was either too old or had not time enough to be superseded, until at the Restoration it made a tremendous upheaval toward its long neglected object, the Emperor. This sentiment does not seem to have been in the least eclipsed, but on the contrary rather stimulated, by Japan's competition with the Western nations, whose analytical legal ideas have been eagerly studied by her people. A close examination will show that her new Constitution of 1889, which for the first time in her history created a representative national legislature, is partly based on her political tradition, and leaves an ample room for its

<sup>1</sup> See Appendix.

operation. Had the tradition not been believed by all to be binding, the new regime of Japan would have been supposed to point to her ruin. On the contrary, the implicit faith of the nation in the moral strength of the historic tradition, which lies so deep in their heart, manifests itself in their hope, already demonstrated by practice, that the Emperor will always act according to their wisest wishes. Such is the effect of the doctrine which has outlived a long history and gained momentum by continual practice during centuries. In conclusion, we maintain that the sentiment had already been a heritage of Japan by the year 500 A.D.

We have thus far discussed the rather philosophical side of the position of the Emperor, that is, his claims and their theoretical basis, their suggested origin in history, their probable relation to religion and to the national assembly, and, finally, the traditional sentiment which regulated as well as sustained them. The more practical side of the history of the Emperor cannot be dismissed in so brief and general a discussion. The story of the circumstances under which his powers have been actually exercised and controlled demands an extended treatment, of which the subject of the present work forms a chapter.

## II.

We are now prepared to discuss the extent of the territory over which the jurisdiction of the Emperor seems to have extended. After the Yamato tribe settled in the central part of the main island, its subjugation of the surrounding regions must have advanced only slowly. Toward the East, the barbarous Emishi occupied the vast territory beyond the river Tone and the lower Shinano, while in the South the Kumaso spread over the greater part of the island of Kiushu. The



former receded further north only after desperate struggles with the imperial troops. The latter was divided into several independent communities, some of which continually communicated with a Korean kingdom, even after the northern provinces of the island came under the sway of Yamato.<sup>1</sup> The remaining portion of the country would seem to amount to hardly more than one-half of the area of the main island, and the size will dwindle still further if we consider that even Suruga was infected with rebels<sup>2</sup> and Shinano was an impassable mass of forests,<sup>3</sup> and that the regions beyond the great mountain range that split the whole land in twain from north to south were, except perhaps Izumo, less under the imperial control than those on this side, even within this limited area.<sup>4</sup> Traditions relate the immense difficulty and tremendous bravery with which the imperial authority was stretched north and south,—in the north, probably at most not beyond the mouths of the Ôkuma and Shinano, and in the south, up to a latitudinal line passing through the present site of Kumamoto. The dim light of history, about 500 A.D., is focussed around Yamato, and is shed over the south-west of the main island and north of Shikoku and Kiushu. The last island contained imperial estates called 'miyake,' and enjoyed a more direct influence of the advanced culture of Korea than did the rest of the country.

### III.

Passing now to the question of the local division about 500 A.D., we are at once confronted with many difficult problems.

<sup>1</sup> It may not be untenable to suppose that the eas'ern expedition of Jimmu was necessitated by the pressure of these southern tribes.

<sup>2</sup> N. Keikô y 40.

<sup>3</sup> Ibid.

<sup>4</sup> Cf., e. g., N. Ôj'n y 19, an incident in Yamato itself.

Perhaps there is no better way of opening the discussion than by quoting parallel passages from the *Kojiki* and the *Nihongi*, which relate the administrative reform that is said to have been effected during the reign of the Emperor Seimu (131-190 A.D., according to the dating of the *Nihongi*).

This latter book says: "The Emperor commanded, saying:—'.....the people are like wriggling worms, and will not reform the savagery of their hearts. In the *kuni* and *kôri* there are no lords, in the *agata* and *mura* there are no chiefs. Henceforth let there be established lords in the *kuni* and *kôri*, and let there be chiefs placed in the *agata* and *mura*. Accordingly let men of ability of the *kuni* be taken and appointed heads of the *kuni* and *kôri* so as to from a defence for the Inner Country.'

"5th year, Autumn, 9th month. A decree was issued to all the *kuni* establishing *Miyatsuko* in the *kuni* and *kôri*, and *Inaki* in the *agata* and *mura*. All were granted shields and spears as emblems of authority. So the mountains and rivers were made boundaries for the separation of the *kuni* and *agata*, whilst the bounds of *mura* and *sato* were established by means of lanes".....<sup>1</sup>.

The corresponding passage in the *Kojiki* is strikingly simple. It runs thus:—The Emperor "settled the *Miyatsuko* of the great *kuni* and small *kuni*, and likewise settled the boundaries of the various *kuni*, as also the *Agata-nushi* of the great *agata* and small *agata*."<sup>2</sup>

A cursory survey of these passages will show that the *Nihongi* gives five denominations of territorial division, that is, the *kuni*, *agata*, *kôri*, *mura*, and *sato*, of which the *Kojiki* is silent about the last three, and divides each of the first two into two

<sup>1</sup> N. VII. (KT. I. 153-4.) Aston, I. 215-6. The terms are here reduced to their original forms, for obvious reasons.

<sup>2</sup> K. II. (KT. VII. 106.) Compare Cham. 227.

classes, great and small. Again, the *Nihongi* mentions two classes of local officers: the *miratsuko* and *inaki*, while the *Kojiki* speaks of the first but adduces *agata-mushi* instead of the second.

A little deeper analysis will show that the account of the *Nihongi* has little claim to authenticity. In the first place, it records the supposed words of the Emperor which were uttered in a remote past when no art of writing and no imperial historiographer are known to have existed. In the second place, the book contradicts many of its own statements made all through the earlier part when it says here that there were no lords and chiefs in the various local units. In the third place, the influence of Chinese ideas and institutions under which the book was composed is too manifest in the original text to be overlooked. Sentences preceding and following this quotation are purely Chinese in style and thought. In the passage itself, the whole tenor of writing may be said to be un-Japanese. The four places in which the local divisions and officers appear are written in coupled phrases of equal numbers of characters, which was a peculiarly favorite mode of writing among the Chinese, and which here apparently sacrifices truth and consistency for elegance of style. Again, the notion of the Inner Country was introduced from China into Japan only seventy-five years before the date of the writing of the book, while the emblems of authority seem distinctly outlandish. The account of dividing anew the land into four classes of territorial units savors too much of the *Shu King* to be credited. By far the most erroneous impression this passage is liable to give is that all these divisions and all those officers were now created by a single decree. Other statements in the two books amply disprove this theory.

To doubt the account of the *Nihongi*, however, is not to substantiate that of the *Kojiki*. The latter mentions a number of the *kôri*, *mura* and *sato* in both the earlier and the latter

part of the book, while it omits them in the quoted passage. It seems almost an impossible task to endeavor to reconstruct, from the material which has been handed down to us, what was actually done by the Emperor Seimu, if anything of the kind was ever done by him. Yet many writers have read great significance into the so-called reform of 135 A.D. The most we could say is perhaps that at a fairly early time, and certainly by 500 A.D., there existed local units under the names *kuni*, *kôri*, *agata*, *mura* and *sato*, and that, if any reform was really effected by any early Emperor, it may have consisted either in carving into the old familiar units the lands hitherto less organized, or in determining the limits of the divisions more clearly and definitely than before. Let us now examine the nature of these local units.

It is highly instructive that these names run into one another and elude modern definitions. The Chinese character that usually represents the *agata* is continually pronounced *kôri*, even after the Reform of 645, while *agata* and *mura* are interchangeable in many cases.<sup>1</sup> In more cases, the *mura* is smaller than the *agata* or *kuni*.<sup>2</sup> Yet, in one instance *mura* and *kuni* seem applied to the one and same locality,<sup>3</sup> and, in another place, *kuni* and *agata* are identical.<sup>4</sup> Furthermore, in this last instance, the *kuni* is situated inside another *kuni*. It seems almost safe to infer that, in Japan, as in all other countries, class-names lose in definiteness, the further they are traced back to antiquity. Possibly here, as well as elsewhere class-names were originally crude words with as much, or as vague, meaning in them as in any other noun. It would at least repay us to study their etymology. *Mura* is undoubtedly related to 'mure,' group, and may have been

<sup>1</sup> E. g. N. Jimmu (KT. I. 92).

<sup>2</sup> E. g. N. Sujin (KT. I. 108-9).

<sup>3</sup> N. Jimmu (KT. I. 92). Katsuragi was a *mura*.

<sup>4</sup> N. Chûai (KT. I. 161-2).

applied to any cluster of houses around a cultivated patch of land.<sup>1</sup> It usually denotes a small group, and yet it may have occasionally been applied to a larger group of houses or even a group of groups. *Sato* is construed as a 'place to live,'<sup>2</sup> and hence, while the *mura* was generally concrete and small, the *sato* could easily be either large or small, even as the English "home" is. The word seems to have been more frequently used after the seventh century than before, and, as will be seen in a subsequent chapter, it underwent a remarkable change in its relation to other units. The *kôri* appears to be somewhat later in origin than the *agata*, although it has proved more persistent. Its etymological meaning is unknown, unless it is related to the verb 'koru', to coagulate. As to the *kuni*, the generally accepted opinion of its meaning is, bounds, limits.<sup>3</sup>

If these suggested meaning could be accepted, there is little cause for wonder that they were originally to a large extent interchangeable with one another. It is perhaps a natural error, into which the student of institutional history easily falls, to assume that human history has been advancing from simpler and plainer to more complex and difficult lines of evolution. Time seems to have analyzed and clarified, as much as it has built and deposited. So, in Japan, about 500 A.D., we see that the spheres of the local units had become largely differentiated, and taken something of the following order of subordination. The *kuni* were now preëminently the largest unit, and included the *kôri*, which in turn comprised the *mura*, while the *sato* had a strong tendency to coalesce with the last, and even to displace its usage as the name for the village community. The *kuni* of those times appear to

<sup>1</sup> Kurita, IV. 66.

<sup>2</sup> Ibid. IX. 163-4.

<sup>3</sup> Mctswori Norinaga, *Kojikiden*, III. 2-3, VII. 70. Kurita, IX. 154-5.

have been smaller than they were after the eighth century, and to have numbered 150 or less.<sup>1</sup>

We have purposely reserved to this point the discussion on the *agata*, which is the most difficult unit to determine. There has been a long discussion by eminent scholars on its original meaning,<sup>2</sup> but their conclusions are no less hypothetical, if not more so, than those which have been given to the other units of territorial division. On one point, however, not indeed in its origin, but in its nature, they all seem to agree with one another. It is that the *agata* were pieces of land the issue of which went toward the support of the imperial family.<sup>3</sup> Most of them were situated in and near Yamato, only six out of the twenty-four or twenty-five recorded *agata* being found outside of the later Kinai, and only three in Kiushu. Yet there may have been many unrecorded ones. It is explained that the distant *agata* nearly all occur near the temporary abodes of the early itinerant Emperors.<sup>4</sup> These are plausible hypotheses, but they will not answer two important questions concerning the history of the *agata*. What is the distinction between it and the *mita*, which was created for the same purpose as is alleged for the former? How is it that the *agata* seem to have gradually disappeared, except in Yamato, where alone the six *agata* of the Emperor appear for a while after 645? Investigations are not known to have been made to meet these questions. The actual tendency, whatever its explanation, seems to have been that the increasing *mita* gradually put the *agata* into desuetude, and, by 645, the latter hardly existed outside of Yamato

<sup>1</sup> Kurita, IX. 155-6.

<sup>2</sup> Ibid., IX. 157-162, X. 4-6.

<sup>3</sup> Ibid. This evidence is, however, by no means formidable. One *agata*, at least, was an Imperial estate. (See N. Suiko, y32.) Whether the six *agata* of the Reform period also belonged to the Emperor does not seem to be proved.

<sup>4</sup> Ibid.



except as geographical names. So complete was their absorption into the *kôri* and *sato*. The office of the *agata-nushi*, *agata*-chief, also, as will be seen hereafter, became a hereditary surname of honor in certain families.

It is hoped that the position of each local unit about 500 A.D., and its tendency at the time of the Reform, have been described in these paragraphs. Next to be considered are the people.

#### IV.

First, as to family relations. In going through the ancient records of Japan, one cannot fail to be impressed with the indefinite and flexible way in which the authority of the house-father seems to have been exercised, and marriage and succession carried out. It would even appear probable that this very want of rigidity was a cause that perpetuated the quasi-patriarchal form of society much longer than it otherwise could have been. At least, this peculiarity accounts not a little for the social events and conditions which immediately paved the way toward the Reform of 645. Let us, therefore, examine more closely the nature of the ancient form of Japanese *patria potestas*, marriage and succession.

It will be constantly kept in mind that the earliest traditions of Japan represent her people as already acquainted with primitive agriculture,<sup>1</sup> though still largely depending on hunting for subsistence. Pastoral life seems to have left no appreciable trace behind it. The family depicts itself as under paternal, not maternal sway. But the *patria potestas* did not obtain in all cases, and a best instance of the exception may be found

<sup>1</sup> See Chamberlain's Introduction. The Emperor Sujin is said to have encouraged agriculture by digging ditches and ponds. (N. Sujin 362.) Care of agriculture has since been the tradition of the government. See pp. 35-6 above.

*Institutions before the Reform.*

A part of the *Kojiki* where the Deity Ōkuninushi of Izumo consulted with two of his sons whether they should surrender their country to the August Grandchild who was about to descend from a region called Heaven.<sup>1</sup> To be sure, the occasion was a momentous one, but the father's hesitation and the heavenly messenger's question would suggest that the act itself was not as exceptional as the occasion. Perhaps a more thorough research of the question, which it no doubt demands, will not substantially change our conclusion that the authority of the house-father was not in all matters absolute. The indefinite character of the law of succession will presently illustrate this theory from another side.

The relations of brothers and sisters, and men and women in general, present a peculiar feature. There are four archaic words which have to be carefully weighed: *ani*, *ane*, *se*, and *imo*,<sup>2</sup> of which the first and third are masculine, the second feminine, and the fourth of a common gender. The fundamental peculiarity is that these words denoted two sorts of human relations, that is, the relations between brother and sister, and those between man and woman in general as they stood side by side. The elder brother was called *ani* or *se* both by his younger brother and younger sister, but the corresponding feminine word, *ane*, would be applied to the elder sister by her younger sister, but not by a younger brother. He may indeed call her so, but every body else would usually call him *se* and her *imo*, while the latter is the word that was used to designate a younger member, whether a brother or a sister, but more frequently the latter, when he or she faced an elder brother, in earlier period, and as well an elder sister, in later ages. So much for the use of the words between brothers and sisters. Now, it is puzzling to know

<sup>1</sup> K. I. (KT. VII, 48).

<sup>2</sup> See Motowori Norinaga, *Kojikiden*, III, 40, VII 9, IX, 26, and XIII, 63-4.

that, in denoting any man and woman of not distant ages from one another as they came together, a word for the elder brother, *sa*, was applied to him, and that for the younger member *imo*, to her. It will be remembered that *imo*, in family relations, applied oftener to a younger sister than to a younger brother. What conclusion shall we draw from this peculiar etymology? Shall we say that it is a proof that, in earlier days, a brother and a sister often married each other? Mr. Aston remarks: "It may be doubted whether this justifies any adverse inference as to the morals of the Japanese in early times, and he goes on to take parallels from other ancient races."<sup>1</sup> His kind reference would have been hardly necessary for the scientific investigator who will not apply the moral standard of one age to a society of another. It is, after all, a debatable question whether a brother could marry a sister. The few cases recorded in the *Kojiki*<sup>2</sup> cannot be used as the basis of an argument of this sort, as the time is too remote and too fabulous to be seriously considered. On the other hand, the *Nihongi* states a case in 434,<sup>3</sup> where the marriage of a brother and sister of the same mother is intimated to be an outrage and a crime.<sup>4</sup> By this time, language may have undergone sufficient differentiation to designate marital relationship independently from blood relationship of man and woman.<sup>5</sup>

There are some other questions about ancient marriage for which we can gather more or less specific answers, and which were colosely connected with the existing social life, and

<sup>1</sup> Aston, I. 22, note 7.

<sup>2</sup> E. g., between Ôyamatsumi and Notsuchi, Kancyamahiko and Kancyamahime, Haniyasuhiko and Haniyasuhime, and Ashinatsuchi and Tenatsuchi.

<sup>3</sup> N. Ingîô y23 and 24 (KT. I. 228).

<sup>4</sup> Emperor Bitatsu married his half-sister, later Empress Suiko. Cf. N. Nintoku y40.

<sup>5</sup> Cf. Yamatotake's famous word "atsuma."

also deeply influenced the destiny of the nation. One of these is the custom of a husband marrying several wives, some of whom were sisters or other near relations of one another.<sup>1</sup> Even the husband and wife were sometimes relations of one another.<sup>2</sup> As we shall see later, the institution of polygamy, which was a systematic practice of most Emperors, with its numerous issues, constituted one of the most serious problems of the State. A struggle for its solution began early in history,<sup>3</sup> and, after the eighth and ninth centuries, when the court and the capital became a centre of enervating influences, some of the most ambitious of the princes forsook their court life and settled in remote regions, where the lack of control and increasing unrest brought their descendants to the front as the mightiest leaders of feudal forces.<sup>4</sup>

Returning to the earlier period, a question suggests itself whether the plural wives of a husband were on the same status with one another. The *Nihongi* invariably names one wife of each Emperor as his Empress and the others as consorts (in different names),<sup>5</sup> while the *Kōjiki* makes no such systematic discrimination, except in a few places where such words, as *Mukai-me* and *ō-kisaki*,<sup>6</sup> occur, which points to the same distinction as in the *Nihongi*. The Code of 701 clearly distinguishes wife and concubine and recognizes the status of each. It is possible that a similar notion developed very early that singled out one wife out of several as the legitimate wife, while the others were regarded inferior in status, though not unrecognized by law and custom. We surmise such to have been the conditions in 500. It would

<sup>1</sup> Emperors Kōrei, Suinin, Richū, Hansei, Ing'ō, Ankan, and Kimmmei.

<sup>2</sup> Emperors Suisei, Kōan, Keikō, Chūai, &c, &c.

<sup>3</sup> Cf. Emperor Keikō.

<sup>4</sup> See our Supplementary Chapter.

<sup>5</sup> 后 and 妃 (大夫 etc.).

<sup>6</sup> 嫡妻 K. I. (KT. VII, 36.) 大后 K. II. (KT. VII, 69.).

be beyond the scope of our task to explain why this form of polygamy had come into being in Japan, or, perhaps more accurately, how polygamy originated in so many human races, and how it ceased to exist earlier in some races than in others. A superficial reflection would seem to show that the custom of singling out one woman as the wife and yet recognizing others in law, must have tended to perpetuate the institution of polygamy, especially among the wealthy people, in spite of forces operating in the opposite direction, which must have always existed.<sup>a</sup>

Another point to be noted in the ancient Japanese marriage is its vacillation between endogamy and exogamy. While in China exogamy was early developed, Japan seems never to have exclusively committed herself to either of these forms of marital selection. The indefiniteness of Japanese custom in this respect is well illustrated in the recorded marriages of the Emperors, of whom even the Empresses were not always endogamous.<sup>1</sup> The framers of the Code of 701 seem to have purposely neglected to adopt the Chinese maxim of exogamy.<sup>2</sup>

<sup>a</sup> Cf. in this connection E. H. Parker's *Comparative Chinese Family Law*, Hongkong, 1879.

<sup>1</sup> Emperor Nintoku's was a Takeshiuchi. Emperor Shōmu made of this precedence a pretext for making a Fujiwara his Empress.

<sup>2</sup> Cf. Professor Hozumi's *Ancestor worship and Japanese Law* (Tokio, 1901), pp. 48-53. He seems to assume that the exclusion of the rule of exogamy was *ipso facto* an adoption of that of endogamy. He appears to suffer from an *a priori* reasoning that the Japanese side of the case was based on a desire for a purer form of ancestor-worship than the Chinese marriage would allow. He does not seem to have been reminded of the fact that exogamy was not unknown in Japan either before or after 701, even in the Imperial household. The lawyers of that year probably did neither accept nor reject the strict Chinese rule of exogamy, but left the indefinite Japanese custom alone.

(By the way, the work of the learned Barister-at-Law leaves the present author in doubt in many important points. With all respect for his eruditeness, one cannot help seriously questioning him whether his use of the term "*ancestor-worship*" is

The custom of asking the sanction of the elders of the families of both parties for marriage, which has been the rule at least since 701, does not seem to have developed into as strict a law before that time as after it. The *patria potestas* and ancestor-worship would have naturally demanded such a rule, and we infer that it must have been a universal practice, if not always rigorously enforced by law.<sup>1</sup>

We now come to the law of succession. Here again indefiniteness is remarkable from the beginning, but some general rules are not absent. The records of the pre-Jimmu period in the *Kojiki* make all cases of succession agnatic. Although the eldest male was usually the heir, a younger son or daughter of a distinctly superior quality may receive preference.<sup>2</sup> Cases of envy and discordance are not to be found.<sup>3</sup> Heirs often succeeded before their fathers' death, and it is remarkable that the custom of the retirement of a senior before death obtained so early in Japanese history.<sup>4</sup>

justifiable, and whether he has not allowed himself to be swayed by the too often manifested desire of the writers on Japan to picture the life of her people as radically different from that of the Europeans. He calls himself as an ancestor-worshipper, and proposes to show the inside view of that worship, (pp. 2-3). Does he see any essential difference between his *worship* and the European's regards to the graves of their relatives, where the stones bear inscriptions addressed to the souls of the departed or expressing the sentiment of the living concerning them? On several other points also, the author cannot agree with Professor Hozumi's assertions.)

<sup>1</sup> The *Kojiki* makes a woman in the mythical age refuse to consider marriage before asking leave of her father. (KT. VII. 54.)

<sup>2</sup> Amaterasu may be called the eldest, but was a female; Ameno-osihomimi was eldest and male; Hikohononinigi was the second and youngest; and Hikohobodemi the fourth and youngest. Then comes a remarkable event. He had no heir, and his elder brother's son, i. e., his nephew, succeeded him. Emperor Jimmu was the fourth and youngest son of the latter.

<sup>3</sup> Indeed, if the conduct of Susanowo may not be interpreted as an instance.

<sup>4</sup> Izanagi, Susanowo, and Okuninushi, all retired before death.

The author regrets that he has not had the opportunity consulting the *Iukyo Ron* (隱居論) by Professor Hozumi.



The same irregularity characterized the succession to the imperial throne. Not only the eldest child, but also the issue of the Empress who was at the same time the eldest child, was not always sure of his claim. An Emperor sent for two of his sons, one of whom was a child of the Empress, and told them which of them he knew not to love more than the other. The decision of heirship was made on the dreams that the boys dreamed.<sup>1</sup> Similar modes of choice seem to have been used over and over again.<sup>2</sup> The will of the Empress Suiko was extremely ambiguous.<sup>3</sup> The indefiniteness of imperial succession must account for the frequent uprisings of the discontented princes, some of whom were so far out of the eldest agnatic line<sup>4</sup> that, had the law been more fixed, they could have had no pretext for their action. The troubles at the court after the assassination of the Emperor Anko (456) followed by the rise of the Soga family into power, complicated the difficulties of the imperial succession for about a century and a half. The leading events of this latter development will be discussed in the next chapter.

In conjunction with this general indefiniteness of family relations must be considered an archaic custom of Japan, whose full significance, however, rather eludes us. We refer to the custom, already outgrown by some people but still in evidence with many at the beginning of history, of the husband and his wives all living apart from one another. Where this custom obtained, the wives generally stayed in their old homes, and were in many cases too far remote from each other to be mutually acquainted. The children, generally living with their mother, probably often knew little of their

<sup>1</sup> N. Sujin Ƴ 48 m 1 (KT. I. 140).

<sup>2</sup> N. Suinin Ƴ 30 m 1 (ib. 127), Ojin Ƴ 40 m 1 (ib. 189).

<sup>3</sup> N. Jomei, begin. (ib. 397).

<sup>4</sup> Cf. Tagishimimi, Takehaniyasuhiko, Sahohiko, Kagosaka and Oshikumi, Suminoe-no-nakatsukimi, etc.

father and less of their brothers and sisters, the issues of others of his mistresses, and had consequently little scruple in choosing their consorts from among them. On the other hand, the children of the same mother might not marry amongst themselves. This fundamental cause — the custom of separate residence — must have influenced all other relations in the family, and tended to keep them so indefinite as they were. Polygamy would be made easy, or, if it was a cause rather than result of the custom, would have been preserved by it longer than it would otherwise have been. The lines of endogamy and exogamy would not be drawn rigid. The law of succession would be vague, and *patria potestas* law.<sup>1</sup>

We cannot, however, penetrate beyond the mystery of this custom, and the foregoing paragraph must be considered as containing but a half-way explanation. Were we free to suggest, the following theory might be propounded, remembering always that it is at best an unproven hypothesis. In social progress in general, certain causes bring out certain forces into action. Some of these causes are common to all races, as must be some forces brought about by them. Yet all the causes do not come into action all at once or at the same relative stage of culture in all races, nor does the same force operate through the same circumstances. Hence by process of concretion, which is sometimes extremely slow and sometimes rapid, delicate and elusive at the decisive points, differences arise in the customs of different nations. Add to this the different causes in different races, which complicate the situation and accentuate the differences. Looking at ancient Japan, it will be seen that, on the one hand, the society was already on the tribal stage, while, on the other, matriarchy had left its traces here later than is usual in a

<sup>1</sup> Cf. Fujioka (藤岡作太郎) and Hirade (平出鏗次郎), *Nihon Fuzoku Shi* (日本風俗史), Tokio, 1895. Vol. I. pp. 24-26.

patriarchal community, the most important relic of the transitional state from the maternal to the paternal family being the custom of separate residence already mentioned. The latter caused singular indefiniteness in family relations. The main social tie was, however, agnatic. The agnatic blood-tie is rigid and is under the constant possibility of breaking down under the weight of chance. What saved it in Japan was fiction — fictitious tribal institutions with unchanged form but altered meaning. Yet, if it was many practical fictions that helped the ancient Japanese people to preserve their tribal form of society long after its reality had vanished, these fictions would not have been possible had not the indefinite family relation created a large opportunity for their invention. Nor could the indefiniteness have been so prevalent but for the peculiar circumstances under which some of the matriarchal practices still obtained after the society had passed into the patriarchal stage.

However that may be, it is essential for us to see what these fictions were and what important bearing they had upon the social conditions before the Reform.

## V.

First let us examine how much of the early social and political life was really based on the notion of blood-relationship. That a whole house seems to have shared the punishment for the crime of the house-father, at least in a grave offence, may be gathered from the accounts of the extermination of a Kibi family<sup>1</sup> and of the degradation and bondage of the children of Ne-no-omi.<sup>2</sup> If it may be objected that both of these events occurred under the eye of the fiery

<sup>1</sup> N. Yûriaku y 7 m 8.

<sup>2</sup> Ibid. y 14.

Emperor Yûriaku, an example under another Emperor may be adduced, in which a man begs to be spared the capital punishment which has devolved on him on account of his father's treason.<sup>1</sup> We again read that in 623 a Buddhist priest smote his grandfather with an axe, and the Empress, considering the offence particularly heinous for a religious person, would have punished, not the offender alone, who was identified, but also all the priests and nuns, (whether of the religious house to which he belonged or of all religious houses, we are not informed), had not a Korean priest pleaded for the sake of the religious virtues of the Empress herself that all but the offender be spared.<sup>2</sup> This single instance would not justify a conclusion that the priests and nuns were regarded as a corporate unity after the family law, but would perhaps fall in line with other instances which seem to indicate that at least some sort of collective responsibility of a family or quasi-family for a serious offence was not absent. On the other hand, cases of individual punishment for misdeeds are very abundant.

One would be led astray, however, if he received from this indefinite opinion an impression that the social life of Japan, in 500 A.D., must have been purely patriarchal. Patriarchal was it indeed from top to bottom, from state to family, but at the same time fiction had made inroads into it far and deep. We will devote the rest of this section to the study of the most important forms of this fiction. We may perhaps leave to all students our suggestion that the fiction and the indefinite family-relationship—the latter of which has been discussed at length in the last section,—may have been mutually influ-

<sup>1</sup> N. Keitai v. 22. [The extermination of the Mononobe under the Emperor Sushun may not illustrate the point, for that was largely a result of a fierce political contest.

<sup>2</sup> N. Suiko v. 31 m. 4. Aston's translation of the critical sentence seems incorrect. See II. 153.

enced, and, as an important result, have prolonged the life of the tribal form of the State and society.

At a remote time, which the *Nihongi* would have us believe was the year 415 A.D., the Emperor made a decree, saying:—"The ministers, functionaries, and the *miyatsuko* of the various *kuni*, each and all describe themselves, some as descendants of Emperors, others attributing to their race a miraculous origin, and saying that their ancestors came down from Heaven. However, since the three Powers of Nature assumed distinct forms [i.e. since the creation], many tens of thousands of years have elapsed, so that single *uji* have multiplied and have formed anew ten thousand *kabane* of doubtful authenticity.—" Then caldrons of hot water were placed on the Amakashi Hill, and the ordeal was administered to "every one." "From this time forward the *uji* and *kabane* were spontaneously ordered, and there was no longer any one who falsified them.<sup>1</sup>" This account is from the *Nihongi*. The *Kojiki* has the following passage. "The Emperor, lamenting the transgressions in the *uji* and *na* under the sky, placed caldrons [for ordeal] of hot water at .....Amakashi, and determined the *uji* and *kabane* of the eighty *tomo* under the sky.<sup>2</sup>" In comparing these two accounts, we notice that the *Nihongi* speaks of the *uji* and *kabane* alone, while the passage from the *Kojiki* has in addition the *tomo* and *na*. But the former two names do not represent the same things in the two accounts. Here, again, the *Nihongi* suffers from Chinese influence. While both books adopted, according to the current usage, the Chinese characters 氏 and 姓 for the *Uji* and *Kabane*, respectively, the *Nihongi* here makes these characters speak for what they represented in China, not in Japan.

<sup>1</sup> N. Chûai y4 m3. Aston's translation is largely followed in the quotations. (I. 316-7.)

<sup>2</sup> K. Ingîô (KT. VII. 139-140). Cham. is not followed, for which see Cham., p. 295.

There, single clan-names (氏) may have ramified into ten thousand family-names (姓), but, here, single *uji* could not branch into ten thousand *kabane*, because the latter were extremely limited in number. Let us now define these two terms and the two others given by the *Kojiki*.

The *uji* was the clan or family name borne by all the members belonging thereto. The *kabane* was formerly an honorary title, attached to the *uji*, and, unless revoked for crime, handed down from generation to generation. It gradually came to be regarded as a part of the clan or family name to which it has suffixed. We shall recur later to this sort of name, but this definition will suffice here. The *tomo* seems to have been a general name denoting the whole group of members bearing the same *uji* and *kabane* or *uji* alone. It also applied to an artificially created group, which will be the subject of a later discussion. The *na* was the personal name of any member. There occur many persons in both the *Kojiki* and the *Nihongi* who are indicated by this last class of names alone. It is possible that a considerable portion of the people belonged to no particular clan and bore no honorary title. In Kose-no-Omi Hirafu, Kose is a *uji*, 'no' is an agglutinative, meaning "of" and qualifying the preceding word, Omi is a *Kabane* and Hirafu a *na*, while all members of the Kose clan belong to the *tomo* of that name.

Returning now to the accounts of the ordeal, it will be clearly inferred from them that the custom of assuming and falsifying noble names had grown up alarmingly. Again, it seems safe to say that, if any manner of examination was really made, and made at one place only, it could not have tested all the people in the country, but must have been applied at most to those of the neighboring *kuni* or, more probably, of nobler birth alone. The phrases "every one" and "under the sky" may easily be explained in the light of this latter interpretation. Hence we infer that the custom of



pretending and fabricating tribal names had spread and could not at once be stemmed. Such a custom could not have arisen in a society where pure blood relationship was the only and rigorous principle of law.

Patriarchism was encroached upon not only from below, but from above as well. The Emperor continually gave *kabane* and *uji* to his subjects, and created groups of people which were not so much based on blood relationship as they were patterned after it.<sup>1</sup>

Now these groups afford the best example of the prevalence and strength of the fiction of consanguinity. Their technical name was *tomo* or *be*.<sup>2</sup> Five *tomo* headed by five persons, two of whom were female, are said to have accompanied the August Grandchild in his descent from Heaven.<sup>3</sup> This is perhaps the earliest record of the *tomo*, and here already it is extremely doubtful whether consanguinity was its tie. The later we come down and the more new *tomo* we meet, the more difficult does it seem to deny the hypothesis that they were in most cases artificial groups modelled after a tribal organization. This view might be supported by a mere enumeration. The nature of the *tomo* is too varied for a complete classification, but perhaps they may be roughly divided into three classes. First, there were those who appear to have been clan groups or perhaps groups of the personal followers of their heads. The Sacki-*be*,<sup>4</sup> the Kibi-no-Homuchi-*be*,<sup>5</sup> and the Sakai-*be*,<sup>6</sup>

<sup>1</sup> See, e. g., N. Yûriaku, 3714, 15, and 16.

<sup>2</sup> The difference in the usage of these two words seems to have been that 'be' generally followed the specific name of the group, as, for instance, *Torikai-be*; and that 'tomo' was used as a general name of the group, apart from its individual name, and in conjunction with the word "wo" or "miyatsuko".

<sup>3</sup> K. I. (KT. VII. 51).

<sup>4</sup> N. Nintoku 38.

<sup>5</sup> Ibid., 40.

<sup>6</sup> N. Yûriaku, begin.

may be classed under this head, while the great Kume, Ôtomo, and Mononobe, may be said to be examples of the latter. It is unknown when some of these were created. Secondly, there were many groups created and named for the purpose of commemorating some persons or events closely connected with the person of the Emperor or his interest; as for instance, the Takeru-*be* for the memory of Prince Yamatotakeru,<sup>1</sup> the Mibu-*be* for that of another Prince,<sup>2</sup> the Fujiwara-*be* in many Kuni for the sake of an imperial consort,<sup>3</sup> the Wakasakura-*be*,<sup>4</sup> the Anaho-*be*,<sup>5</sup> the Chiisako-*be*,<sup>6</sup> and others.<sup>7</sup> Finally, we see numerous groups which might be called groups of occupations, or guilds such as the groups of Arrow-makers<sup>8</sup> and Bow-makers,<sup>9</sup> and those of Shield and Sword-makers,<sup>10</sup> for weapon; the group of Wagoners<sup>11</sup>; that of Jewellers<sup>12</sup>; of Clay-workers<sup>13</sup>; of Keepers of the Treasure<sup>14</sup>; and of Livery-men<sup>15</sup>. For the purpose of taxation, which was levied in kind, and part of which consisted in the food for the imperial court, there were created at different times the *be* of Bird-keepers

<sup>1</sup> N. Keikô y 43.

<sup>2</sup> N. Nintoku y 7.

<sup>3</sup> N. Ingîô, y 11.

<sup>4</sup> Richû y 3.

<sup>5</sup> Yûriaku y 19.

<sup>6</sup> y 6.

<sup>7</sup> The persons thus commemorated were not always dead at the time when the groups were created. The latter were left in charge of some men of noble birth.

<sup>8</sup> and <sup>9</sup> N. Suisei.

<sup>10</sup> N. Suinin y 39.

<sup>11</sup> N. Richû y 5 m 9.

<sup>12</sup> N. Ninken y 6.

<sup>13</sup> N. Suinin y 32 m 7.

<sup>14</sup> N. Richû y 6.

<sup>15</sup> N. Ingîô y 42. The king of Shiragi is said to have been made a Livery-man by the conquering Empress.

and Bird-catchers,<sup>1</sup> of Hunters,<sup>2</sup> of Cooks,<sup>3</sup> and the like. There is also a mention of a group of Korean scholars.<sup>4</sup> The use of the groups of Sea-men and Mountain-keepers,<sup>5</sup> which seem to have been made in several places, is not clear, unless they were also for the purpose of obtaining fish and game. The celebrated Kume and Mononobe groups performed at times military and police functions. In view of the probability that occupations as well as classes of the groups must often have overlapped one another, the same persons may have in many cases belonged to various *tomo* at the same time. As to the number of these groups, we meet the phrase "the eighty *tomo*,"<sup>6</sup> and later, in 642, "all the people of the land and of the one hundred and eighty *be*."<sup>7</sup> It is not plain whether these numbers included the private groups, but, judging from the fact that the people of these latter 180 *be* were employed by a private person who occupied the highest position in the State and pretentiously acted as an emperor, we may perhaps infer that the number included all the *tomo*, public and private.

But what were the private groups? The word "private" in connection with a *be* occurs in the seventeenth year of the Emperor Yûriaku, (473 A.D. of the *Nihongi*), where the groups of clay-workers which were scattered in six Kuni bear that epithet. Later in the same book, we observe a Mononobe presenting one of these very groups to the Emperor.<sup>8</sup> The right of alienation, at least from a subject to an Emperor, if not

<sup>1</sup> N. Suinin y 23 m 11.

<sup>2</sup> N. Yûriaku y 2.

<sup>3</sup> N. Keikô y 53.

<sup>4</sup> N. Yûriaku y 2.

<sup>5</sup> N. Ôjin y 5 m 8, &c.

<sup>6</sup> N. Sujin y 7 m 12.

<sup>7</sup> N. Kôgioku y 1 (end). Also see N. Suiko y 28 (620 A.D.)

<sup>8</sup> N. Ankan y 1.

from one subject to another, then seems to be a proof of the private character of a group. Then what was a public group? It may have been either a group whose members performed some direct public service, such as, for instance, the making of weapons, keeping of treasures, and furnishing victuals for the Imperial dishes; or a group belonging to the person, or commemorating the name, of an Emperor or any of his household<sup>1</sup>. This distinction would at least not be improbable in an age when the State was a fictitious family, and the various functions of social life changed the character from being public to being private, only by being removed further from the central interests of patriarchy. Now, alike in the so-called public and private groups, a common feature seems to have been the superiority of the heads over the members. To crown all, we infer from the absence of a contrary case, it was the Emperor alone, who could rightfully create a *tomo*<sup>2</sup>. This inference, however, from its very nature, cannot be positively sure of its own validity. Indeed the *tomo* is one of the most debatable of all the early Japanese institutions. How did it originate, and what was the precise nature of the superiority of its head over its people, are two of the questions that arise in connection with this mysterious and absorbingly important institution, and many more questions concerning it will be suggested by our further discussion. Let us now pass on to the persons who headed these groups, and also to those others who, together with them, performed the administrative duties of the Empire. That study will be at the same time a study of the *kabane*.

<sup>1</sup> The groups called Mibe seem to have been of this latter class.

<sup>2</sup> The single exceptional case is found where Prince Yamatotakeru created the *Yuki-be*. (N. Keikō p 40.) The case is, however, too old to be taken as a typical one, and, moreover, the Prince was son and declared heir of the Emperor,

VI.

The question of the 'Kabane' is apt to lead to an intricate discussion on names, which, however, must be gone through in our study sooner or later. We know no better place to introduce it than here. The discussion may be opened by an analysis of some illustrative passages from the *Nihongi*.

After he slew Soga, in 645, (which incident will be hereafter dealt with), the Prince, the leader of the Reform movement, presently entered a Buddhist temple, "which he fortified and prepared to defend. The *Miko*, *Kimi*, Ministers, *Omi*, *Muraji*, *Miyatsuko* of the *Tomo* and *Miyatsuko* of the *Kuni*, one and all followed him."<sup>1</sup> It must be explained that the *Miko* were Imperial Princes of the nearest degree of kinship to the Emperor, while the *Kimi* were more remotely related to him. The rest of the persons named were not of the imperial household, and, of these, the *omi* and the *muraji* were two 'kabane' of the highest rank, while the other two,—the *miyatsuko* of the 'tomo', i.e., groups, and those of the 'kuni', i.e., the largest territorial divisions,—were two general classes of the *miyatsuko*. Then who were the *miyatsuko*, and what was the difference between their two classes?

Another passage will give a clue to the answer. The writers of the *Nihongi* make an Emperor say, in 479, among other things, that, in the usual state of affairs, "the *omi*, the *muraji*, and the *miyatsuko* of the *tomo*, daily attended the court: the governors (郡) of the *Kuni* and of the *Kôri* occasionally assembled in court."<sup>2</sup> The Chinese character here used to represent the local governors is exceedingly misleading. Only after the Reform was it applied to all the governors of *Kuni* and *Kôri*, before which time it was rarely used, except in the

<sup>1</sup> N. Kôgioku y 4 m 6. (KT. I. 423.) Aston, II. 192.

<sup>2</sup> N. Yûriaku y 23. Aston, I. 370.

Japanese dependencies in Korea,<sup>1</sup> and at home in either of the two following senses. It was used in a general way, as the Chinese meaning of the character would justify, to represent all or any of the more important local officers;<sup>2</sup> or it designated those of them who were not hereditary governors, but were, probably for various reasons, freshly appointed as such.<sup>3</sup> Even the latter class must have in many cases passed into the ordinary denomination, i.e., the "*Miyatsuko* of *Kuni*",<sup>4</sup> which was the general name for all higher local governors, including those of the 'kôri' and 'agata'. Returning now to the quoted passage, it will be seen that, according to our construction, it might be made to read thus: "the 'omi', the 'muraji', and the '*miyatsuko*' of the '*tomo*', daily attended the court: the '*miyatsuko*' of the '*kuni*' occasionally assembled in court." It is not necessary for us to determine whether such was the actual condition in 479, or whether it was a piece of historical recollection located arbitrarily at that date, but the point which interests us is that one class of 'miyatsuko', those of 'tomo', attended the court more frequently than did the other class, those from the country, who assembled only on certain occasions.<sup>5</sup> The first quotation from the account of 645 must have referred to one of these occasions.<sup>6</sup> From this, one may safely infer that many of the 'miyatsuko' of 'tomo' lived near the Imperial residence. This is an important conclusion in our solution of the two problems stated at the end of the last paragraph.

<sup>1</sup> N. Yûriaku y 7, Keitai y 6, &c.

<sup>2</sup> The "*Kuni-no-Mikotomochi*" of Tôtomi of N. Nintoku y 62 and that of Harima of N. Seinei y 2; the "*Kôri-no-Mikotomochi*" of Ankan y 1 and the "*Kuni-no-Mikotomochi*" of N. Kôgioku y 1 m 10, may be said to be examples of this usage.

<sup>3</sup> The *Kuni-no-Mikotomochi* and *Kuni-no-Miyatsuko* of the Art. 12 of the "Constitution" of Prince-Mmayado (N. Suiko y 12 m 4) may be taken in that light.

<sup>4</sup> For different views, see Kurita, X. 12, and Ariga Nagawo *Nihon Kôan hô Shakugi* (有賀長雄, 日本古代法釋義), Tokio, 1893. p. 13.

<sup>5</sup> For examples of these occasions, see N. Kenzô y 2 m 3 and Kôgioku y 4 m 6.

<sup>6</sup> It was the occasion of receiving the tribute of the Koreans at Court, but it is



We can now go a step further. We frequently meet in old records various 'kabane' besides those which are enumerated in the two quoted passages, and we would not know what to think of the former unless we take it that some of the latter comprised them. Thus the *Kuni-miyatsuko*<sup>1</sup> may have included various local officers of different 'kabane,' and the *Tomo-miyatsuko*,<sup>1</sup> all the group-heads,<sup>2</sup> not always excluding the 'omi' and 'muraji'.<sup>3</sup> The reason that the last two are not always so classed may be either that they were the highest in rank in that class and demanded special mention, or that some of them were clan-heads, without being or while being at the same time group-heads. We may accordingly make the following classification:—A. The *Tomo-miyatsuko* including the ('omi'), ('muraji'), 'miyatsuko',<sup>4</sup> 'sukune', 'ofuto', 'atae', and others, many of whom lived around the Capital; and B. the *Kuni-miyatsuko*, including the 'kuni-miyatsuko', 'kimi', 'wake', 'agata-nushi' and 'agata-miyatsuko', 'inaki', 'atae', and others.<sup>5</sup> It will be readily seen from this list that, to say nothing of the 'kabane' appearing in both classes, the *Tomo-miyatsuko* was, if our classification is right, a general

not clear whether the local magnates had assembled for this particular occasion, or whether there was some other important matter. The Reformers may even have purposely invited them on some pretext or other,

<sup>1</sup> More accurately, these two words are pronounced, respectively, 'kuni-no miyatsuko' and 'tomo-no-miyatsuko'.

<sup>2</sup> In a citation from another book the N. speaks of one Kibi-no-Omi as a Kuni-Miyatsuko. (N. Yûriaku 7 m 8.) Ayabe-no-Atae is spoken of as a Tomo-Miyatsuko (ib. 7 16) and a *Kimi* is also spoken of (ib. 7 15). The Sacki-no *Miyatsuko* may be a general name (N. Ninken 7 5).

<sup>3</sup> Cf. Kurita, IX. 2.

<sup>4</sup> It may be objected that 'miyatsuko' and 'atae' do not belong to the class A. But the cases of Hata-no-Miyatsuko (N. Suiko 7 15) and Sacki-no Miyatsuko (N. Ninken 7 5) may be taken as examples of the former, and Ayabe-no-Atae (N. Yûriaku 7 15) and Azuma-no-Koma-no-Atae (referred to in many places), of the latter.

<sup>5</sup> Cf. N. Suiko 7 10 m 2, where the Kuni-Miyatsuko and Tomo-Miyatsuko are spoken of side by side.

name for the whole class of group-heads (either including or excluding the 'omi' and 'muraji') while the *Kuni-miyatsuko* is a specific name used generally. With the last case, therefore, the general class and the sub-class of the same name should always be distinguished. That general name occurs, in our understanding, only where it is mentioned in contrast to the *Tomo-miyatsuko*. If there had really arisen such a confusing usage, the reason for it may perhaps be found in the same quarter whence we got an explanation for the genesis of the names of the local units. All the 'kabane'-names must have once had general meanings behind them,<sup>1</sup> although some of them have been lost. And the word 'miyatsuko' was perhaps the most general. A *miyatsuko* was a 'son of the house', 'one who serves in the house', 'servant', and hence a 'public servant', 'servant of the Emperor', and 'great subject'.<sup>2</sup> The *kuni-miyatsuko*, as a general name, was a *miyatsuko* set over a locality, and the *tomo-miyatsuko*, was one ruling over a group of people. Hence, it seems intelligible that these terms were used generally, that *Miyatsuko* occurred in either class as a sub-class, and finally that there happened to be a sub-class called *Kuni-miyatsuko*. The relations are confusing, but the origins would appear to be tolerably clear.<sup>3</sup>

Perhaps it is neither necessary nor desirable for us to plunge into an endless discussion about the origin and the exact position of each of the 'kabane', because it will not, in the present state of our knowledge, aid us greatly in understanding the general character of either the group-servant or the local

<sup>1</sup> An interesting example of this occurs in N. Ingiô, y 2, which records incident which happened in the early life of the Empress. She was treated with discourtesy by a *Kuni-Miyatsuko*, and, in distemper, said to him: "*Ofuto* (or *Obito*), I will not forget it."

<sup>2</sup> Aston's definition (I. 51, note 1) seems to crude.

<sup>3</sup> There can be no question as to the usage of 'tomo-miyatsuko' as a general name. The same usage of 'kuni-miyatsuko' is not so easily borne out in the N. and the K., but it seems to be beyond any reasonable doubt.

servant.<sup>1</sup> Such an understanding, however, seems to recede further from us, as we study more about him, especially of the group-servant. While some groups were widely scattered over the country, it does not follow from this that their heads were as widely scattered, although instances are not wanting of the bearers of the tomo-kabane living away from the court.<sup>2</sup> Many others, as it has been stated, must have lived near it. But then, how were the majority of the distant groups controlled? Were some of them under the charge of the local magnates? It may also be seriously questioned whether every group had its ruling 'miyatsuko', and this question provokes another, whether every 'miyatsuko' had a group under him. Over and above these questions stands the most important and most difficult problem, that is, the nature of the rule which a 'miyatsuko' exercised over his group. One-half of our understanding of the life of the nation may be said to hinge upon it. It is hoped that our subsequent studies in taxation and military institutions may throw some dim light upon the problem.

As regards the local officers, the 'wake' and 'kimi' are very obscure, and the 'inaki', who are supposed to have had charge of the smallest local units, also early fell into insignificance. The 'atae' are seen possessing private land and private soldiers, but their status is little known. The 'suguri', the 'tamitsukasa', and the 'kishi' seem to have been Kabane for

<sup>1</sup> As, for instance, the groups of Bird-keepers and catchers (N. Suinin *y* 23) and of Hunters (N. Yūriaku *y* 2), of Sea-men and Mountain-keepers (N. Ōjin *y* 5 *m* 8 &c.), the Fujiwara-group (N. Ingio *y* 11), the groups of a class of Clay-workers (N. Yūriaku *y* 17), of the tillers of the 'miyake', &c. &c. The Kam-be, or, groups for the Shinto temples, must have been as scattered as the temples themselves. Their nature as an institution is as little known as that of the other kinds of 'be'.

<sup>2</sup> E. g. Owari-no-Muraji (K. Kōshō), Sasabe-no-Omi and -Muraji of Izumi, Miyake-no-Muraji of Tsukushi, Iiomta-no-Muraji of Kawachi, Teshima-no-Muraji of Settsu, (K. Jimmu), Izumi-no-Omi (Motowori, *Kojikiden*, VII. 66-7), Kibi-no-Omi N. Ōjin), &c., &c.

the group-heads of naturalized Koreans. About 500, the 'kuni-miyatsuko' (the sub-class) and the 'agata-nushi' were probably the two most important varieties of local officers. The latter, however, must have gradually disappeared along with the territorial 'agata'-divisions, or survived them only as names. As to the former, 144 are enumerated in the *Kuji-honki*,<sup>1</sup> of which five are not only later than 645 A.D., but are simply names of new 'Kuni' for which no appointment of 'miyatsuko' is mentioned, and, of the remaining 139, very few were created later than 480 A.D., so that we may conclude that there were, in 500, and also in 645, about 139 or 140 of these officers. As we shall see further on, they as names long survived the Reform.<sup>2</sup>

Now these local 'servants' also present us with certain unanswerable problems. In the first place, it should be remembered that these various denominations were also *kabane*, honorary titles. We should be misled if we supposed that they were offices. No one can be positive that this man ruled over a 'kuni' and that man over an 'agata', because the one was a 'kuni-miyatsuko' and the other an 'agata-nushi'; in other words, it cannot be said that each title carried with it a jurisdiction precisely indicated by its verbal meaning. A Kuni-miyatsuko,<sup>3</sup> for instance, was degraded to be an Inaki, and we are not told whether he had formerly had charge of a 'kuni' and, if so, whether he still did so, or was now made to rule over a 'mura'. If the last contingency were true, his fall might be said to have been from the highest to the lowest. Again, as with the group-"servant", so with the local "servant", the fundamental problem will be, what was the character of his jurisdiction. This also we may be able at least to specify a little more definitely as we come to discuss the

<sup>1</sup> Book X. (KT. VII. 402-427.)

<sup>2</sup> See Appendix.

<sup>3</sup> N. Ingiô, *y* 2.

military institutions and those of taxation. Before taking up those institutions, however, the logical sequence of our treatment would require a brief inquiry into the personal belongings of the great men, and, incidentally, of the Emperor.

## VII.

First, as to the landed property. The great controversy which has been waged of late years among the scholars as to whether an individual or a communal ownership was the original type of property in land, will very likely find some material to think about in the primitive conditions of Japan. Evidence seems to leave no room for doubt that, late in the fifth century and during the sixth, the private title to land was the principal, if we cannot say the only, kind of title. The mention of private estates frequently occurs.<sup>1</sup> Private persons are seen offering cultivated lands to the Emperor.<sup>2</sup> Women also seem to have possessed, not only other forms of wealth,<sup>3</sup> but land as well.<sup>4</sup> The reason we cannot say that this was the only form of title to land is that all the evidence is strictly limited to persons of birth. The status of the people in regard to this question is extremely uncertain, if not entirely unknown. Nor does it seem possible to penetrate beyond the recorded facts and make an attempt to explain the origin of the individual title to the land. Not less difficult is it to determine whether that title belonged to individual families or to individual persons, or whether, perhaps, it was in the state of

<sup>1</sup> The house-land of Michi-no-omi (N. Jimmu *y* 1 *m* 2), land of Amenohiboko (N. Suinin *y* 3 *m* 3, a citation from another authority), house-land of Mononobe-no-Moriya (N. Sushun, begin.), villa of Prince Iffkoushibito (N. Keitai, begin.), &c. An Agata-nushi in Kawachi is seen transferring his lands to two other men (N. Seinei, begin.).

<sup>2</sup> Anato-no-Atae (N. Chûai *y* 2 *m* 9), Okauchi-no-Atae (N. Ankan *y* 12) &c.

<sup>3</sup> Grandmother of Soga-no-Iruka (N. Kôgioku *y* 2 *m* 10).

<sup>4</sup> Mother of Emperor Keitai.

transition from one to the other.<sup>1</sup> All our evidence may be interpreted in any of the three ways. There is, however, one striking instance, which relates to the widow of a general who died in a Korean expedition. She was born in a good family, had accompanied her newly wed husband to Korea, and now, returning after his death, secured, thanks to the intercession of an Imperial minister, a piece of land to inter her husband.<sup>2</sup> In gratitude, she presented to the minister six Korean slaves.<sup>3</sup> This little story might prove that the lady had personally owned the slaves, but the character of the case seems to us too exceptional to make it an instance of her personal title to land.

Perhaps these questions may be said to be more general than national. What really constitutes the peculiarity of the early institution of landed property in Japan seems to be the position of the Emperor in regard to it. We have stated rather dogmatically, early in this chapter, that the theory seems to have early formulated itself that the Emperor was the sole owner of the land and people of the Empire, and the others enjoyed nothing more than superiority over those who came under their jurisdiction. This is not saying that the ancient Japanese had developed the notion of usufruct, or of the distinction between ownership and superiority, as we here have it, but indicates that the actual practice of those days may well be comprehended by the modern mind through a rather indefinite use of these terms. It is a reconstruction of

<sup>1</sup> The very nature of this form of property—land—would suggest that its *personal* title could be preceded point of time by that to other forms of property, such as amulets, ornaments, utensils, and the like. It is possible to speculate that long after these latter articles passed to that stage of possession or ownership land was still held by the families, and not by the persons.

<sup>2</sup> This is suggestive in view of the theory of some sociologists that grave was probably the origin of property in land;

<sup>3</sup> N. Yûriaku 79. (KT. J. 247-9.)



an old custom on new words, and every student will know the process to be exceedingly delicate. A technical verb indicating the grant of superiority, revocable at will, was "yosasu",<sup>1</sup> which was probably the honorific form of "yosu", to attach to, to assign. The Chinese character 封 was later made to represent it, which, in Japan, came to mean some centuries afterwards the act of infeudation. The Emperor continually dispensed this form of grant,<sup>2</sup> and, although no one would dare say that all the private titles to land were based on Imperial grants, it may at the same time be pointed out that many of the Emperor's acts of revocation were applied to the estates whose original grants are not anywhere recorded.<sup>3</sup> Whether the latter may be inferred to be cases of omission or not, a maxim was early borrowed from China, where it had been developed on an entirely different principle, which nevertheless, when transplanted in Japan, gave her own philosophy of Imperial power an expression not to be easily forgotten. "Of all lands below," it says, "there are none which are not the grant 封 of the King; of all heavens above, there are none which are not within the limits of the Kingdom."<sup>4</sup> The *Nihongi* makes a Minister repeat these words in 534,<sup>5</sup> and the idea was incorporated in the so-called Constitution of 604 of Prince Mmayado.<sup>6</sup> Indeed, as we shall see in a subsequent chapter, the Reform of 645 itself was based on this sweeping

<sup>1</sup> E. g., "yosaseru kôri", (N. Suiko y 32), and "yosaseru tami" (N. Kôto 646 m 3).

<sup>2</sup> Beginning, according to traditions, with the grants of Jimmu to his most meritorious subjects (N. Jimmu y 1 m 2).

<sup>3</sup> A village possessed by Prince Hatane (N. Yûraku y 13 m 3), six estates of Miyake-no-Agatanushi (N. Ankan y 1 m 12), the land of Ôkauchi-no-Atae (ib. m 7), the estate of Moriya (N. Sushun, begin.), &c., &c.

<sup>4</sup> A free translation of 率土之下. 莫匪王封. 普天之上. 莫匪王域.

<sup>5</sup> N. Ankan y 1 mm 7 & 12.

<sup>6</sup> N. Suiko y 12 m 4. Arts. 3 and 12.

philosophy, without which it could not have been so much as conceived.

Passing now from the Emperor to the clan-heads, we cannot say whether they exercised similar powers, though under the tenure of mere superiority, over the lands of the families under the clan. Evidency seems altogether too scanty to warrant any conclusion on this problem.

This immediately leads us again to the question of the 'tomo', groups. It will always be remembered that actual clans and quasi-clans (groups) existed side by side in the country, the one probably largely interwoven with the other. Their correlation is very obscure, but what puzzles us even more is their respective position in regard to the property in land. While they both were groups of people, and not essentially territorial groups, we are almost forced to think that in many cases the groups, whether 'uji' or 'tomo', must have been settled in the same localities,<sup>1</sup> and thus largely identified with land. With other cases, which must have been numerous, what could have been the relation of the group to land,—land in two different senses, that is, in the sense of its locality, with all its attendant relations to the local government, and also in the sense of the land for livelihood? This question will further lead us to that of the similar relations to land of the *tomo* and *kuni* 'servants'. Both of these questions must be left unanswered.

## VIII.

Closely connected with the institution of landed property are those of the *miyake*, *mita* and *ta-be*.<sup>2</sup> The *Miyake* was a

<sup>1</sup> E. g., the *Nuta-no-Saeki-be* in *Aki*(N. Nintoku 338) and the *Nie-Ianishi-be* in six different *Kuni*(N. *Yûriaku* 317).

<sup>2</sup> The *Kuwa-yoboro* that are said to have been created in all the *Kôri* must have been similar in nature to the *Ta-be*. (N. *Ankan* 31 m10.)

store-house of grain, *Mita* was a piece of Cultivated land, and *Ta-be* was a group of cultivators. with this one difference, however, of being respectively granary, land, and people, they all appear to have been created for a certain particular purpose. Had we known at the outset what that purpose was, we should have found it a light task to discuss them, which, however, unfortunately it is not. We are hence compelled by the uncertainty of the subject to begin with a mere enumeration of the specific references to the institutions, and then step by step to infer to their nature and purpose.

Ancient records refer much oftener to the *miyake* than to the *mita* or *ta-be*. We are by no means certain that the grains in a *miyake* were always raised from a near-by *mita*, which was in turn cultivated by the *ta-be* whose members dwelled on or near it, and that the mention of one always implied the existence of the other two connected with it, although we may presume such might have been true in many cases.<sup>1</sup> It is at least not an impossibility to think that there could exist contrary cases.

History records the creations of new *miyake* in Yamato,<sup>2</sup> Awaji,<sup>3</sup> Kawachi,<sup>4</sup> and other Kuni, while it refers to some others whose origins are nowhere stated.<sup>5</sup> They were continually increased by fresh additions, especially under the Emperor Ankan, who within two years, 534 and 535, created thirty-three *miyake*, besides a *ta-be* in every Kuni in the land,

<sup>1</sup> The late Prof. Kurita's definitions (IV. 70) seem somewhat arbitrary. In case of the *miyake* of Nanotsu, the *Mita* that sent their grains to it were scattered not only in other parts of Kiushu, but even as far as Owari and Iga. (N. Senge 11 m5.) Read carefully the statement: "Ta-be, Miyake, were created in the various Kuni" (N. Keikō 157 m10), and the statements concerning the three Miyake and many Ta-be in N. Ankan 11 m10, where if *miyake* and *tabe* went together, the account in N. Suiko 15 that Miyake were created in every Kuni would be meaningless.

<sup>2</sup> In Kume-no-Mura, N. Suinin 127.

<sup>3</sup> N. Chûai 12 m2. <sup>4</sup> N. Nintoku 13 m9.

<sup>5</sup> E.g., Komoshiro of Yamato (N. Richû 11) and Shijimi of Harima (N. Seiei 12 m11).

until finally a *miyake* was built in every Kuni, in 607.<sup>1</sup> In a statement of the year of the Reform, the total number of these granaries at that time is said to have been 181.<sup>2</sup>

Some *Miyake*, at least, were under the charge of Imperial princes<sup>3</sup> or of noble men.<sup>4</sup> It is not clear whether such was the case with all the granaries, as well as the *mita* and *ta-be*. If it was, the tendency was toward their falling into the hands of the powerful men who were now, owing to the widely changed conditions, not always men of birth. This we know by an Imperial command of 645, which says to the newly appointed governors:—“If there be any persons who lay claim to a title (name), but who, not being Kuni-servant, *tomo*-servant, or Inaki of districts by descent, unscrupulously draw up lying memorials, saying:—‘From the time of our forefathers we have had charge of this Miyake or [and ?] ruled this district’—in such cases, Ye, the Governors, must not readily make application to the Court in acquiescence in such fictions, but must ascertain particularly the true facts before making your report.”<sup>5</sup>

As to the central control of all the provincial ‘*miyake*’, we observe the names of three nobles charged with it in 535<sup>6</sup>. Whether there were similar provisions before that date, and what was the efficacy of the control, are not known to us.

We may now approach the fundamental question about the three institutions, what were they? What was their nature, and what their purpose? The primary consideration seems

1. N. Ankan 771&2. Prior to this, Ta-be and Miyake(or Miyake of Tabe) were created in the various Kuni(N. Keikō 757 m10).

2. N. Kōgioku 72 m3.

3. E. g., Yamato(N. Suinin 727), Mura-awase(N. Richū).

4. E. g., Shijimi of Harima by Oshiumibe-no-Muraji Hosome.

5. N. y Taikwa 1 m8. Aston, II, 201, whose translation is here in the main followed.

6. N. Ankan 72 m9.

to be that they were, one and all, made by the Emperor and no one else. It may be objected that there are at least three important recorded cases where it appears that private persons made *Miyake*. One of them states that a Kuni-servant of Musashi made four *Miyake* for the Mikado.<sup>1</sup> The second and third cases<sup>2</sup> are examples of criminals offering *miyake* as expiation for their offences. In reply, it may be said that all those are cases of the offering to the Government by private persons of a thing that it would accept, and not of its creation for the purpose of transferring it from one private hand to another.<sup>3</sup>

Because the Emperor created the *Miyake*, did it belong to him? The affirmative might be expected from the central political doctrine of Japan. All the land and people in the Empire were his, and, by singling out some groups of people or some pieces of land, as well as its produce, he was probably bringing them *directly* under his control. They were to him, on this hypothesis, as the *uji* and *tomo* were to their 'servants' the difference being that one enjoyed full ownership, while the other were content with a mere right of use.

Such being their supposed nature, what then was the purpose of their creation? Origin may be distinguished from object. Some *miyake* were originally given to the Imperial princes,<sup>4</sup> and others were made to commemorate the names of the Imperial consorts.<sup>5</sup> It seems legitimate to suppose that these institutions were created by the Emperor for the use of the State. One way of speaking of the *miyake* was to spell it in two Chinese characters which signify literally a house of

<sup>1</sup> N. Ankan y1 m12.

<sup>2</sup> Son of Iwai(N. Keitai y22). A Muraji in Aki(N. Ankan y1).

<sup>3</sup> Cf. the case of Imishi-no-Kuni-no-Miyatsuko in N. Ankan y1 m4, and also that of Ōkauchi-no-Atae in N. ib. m7.

<sup>4</sup> The *miyake* of Murahase(N. R'chū).

<sup>5</sup> N. Ankan y1 m10.

the government.<sup>1</sup> Again, the grain they yielded is represented by a character which later invariably meant taxes in store.<sup>2</sup> From 536, grain from the *mita* of several Kuni was transported to a coast town in Kiushu and was there stored in a *miyake* expressly for emergency and famine.<sup>3</sup> These few cases would seem to support the statement we have made that these peculiar institutions were made for the sake of the State. It should not be thought, however, that they furnished all the expenses of the State.<sup>4</sup>

That State being a patriarchal organization, it was natural that it was constantly identified with the Emperor. The care of the State was, on his part, the care of his farm. He would establish State lands and State granaries, and would without compunction use some of them for himself and his household, although they did not derive all their income from them.<sup>5</sup> Indeed, one might say that he has not mastered the early history of Japan, untill he has grasped this fluid interchangeability of the State and the reigning family. It is not in itself a despotism, though it is capable of it. It may not even be inclined to exercise it, if the existing conditions made it unnecessary or unwise. The monarch might not then even think of resorting to despotism, without being consciously restricted by any one.<sup>6</sup>

The nature of the *miyake* will be further elucidated by those in Korea. Her three kingdoms, Shiragi, Koma and Kudara,

<sup>1</sup> N. *y* Taikwa 1 m8.

<sup>2</sup> (N. Ankan *y*2 m9.)

<sup>3</sup> N. Senkwa *y*1 m5.

<sup>4</sup> See the section on taxation.

<sup>5</sup> The Mita of Yamato are said to have been the exclusive possession of the succeeding Emperors.

<sup>6</sup> See pp. 42-44 above.



were at one time or another regarded as the *miyake* of Japan.<sup>1</sup> Of these, the first was the most disobedient and continually disturbing the peace of Korea, while the second was not less ambitious. Kudara alone was in the main faithful, as her position between the two strong rivals made it necessary for her to rely on Japanese help. Under these circumstances, therefore, Shiragi and Koma were *miyake* of Japan only in name. Kudara, on the other hand, allowed Japan at times to nominate her kings,<sup>2</sup> and take records of her taxable products.<sup>3</sup> It was this Kingdom that taught Japan Confucianism and Buddhism. Another veritable *miyake* was the region which was collectively called Mimana,<sup>4</sup> sometimes inaccurately identified with kudara, in which was established a Japanese garrison commanded by a Japanese governor-general.<sup>5</sup> Mimana was, however, disunited, and her territories were gradually parcelled out by the three Kingdoms, Shiragi commanding the largest share, until finally after 562 the *miyake* was almost altogether obliterated from the map of Korea.<sup>7</sup> Japan herself had undertaken to alienate parts of this domain in favor of Kudara.<sup>8</sup> These Korean examples would seem to show that Japan regarded those *miyake*, in theory, as belonging to the Emperor and the State, and as alienable and

<sup>1</sup> The three kingdoms are called "Uchi-miyatsuke" in N. Jingô (KT. I. 165). Kudara is also called a Miyake (N. Yûriaku 220).

Owing to the want of means of personally verifying the Korean pronunciation, the customary Japanese pronunciation of the Korean names is followed throughout the present essay.

<sup>2</sup> N. Ôjin 17 16, 25 and 39.

<sup>3</sup> N. Yûriaku 223 m4. Also see ib. 221 and Keitai 23 m2.

<sup>4</sup> "A Miyake since the time of Ôjin" (N. Keitai 223 m4). (Ib., 23 m2, 25 m4, 26 m4, &c.)

<sup>5</sup> N. Yûriaku 28 m2, &c.

<sup>6</sup> N. Kenzô 23, Keitai 223 m4, Kimmei 22-5.

<sup>7</sup> N. Keitai 221 m6, 223 m4, 224, Senkwa 22 m10, Kimmei 22-5, 23, Sushun 24, and Suiko 22-10 and 31.

<sup>8</sup> N. Jingô 249, Yûriaku 26 m4, Keitai 26 m4 and 223 m3.

disposable as freely as their conditions would allow.<sup>1</sup> They were not in these particulars essentially different from the *miyake* at home, except that the word "granary" was there highly figurative.

## IX.

The position of the unfree and half-free will now be considered. Notwithstanding the various schemes of classification<sup>2</sup> that have been presented, the original records seem to give us anything but a definite idea as to the status of the various classes of those people. Not in status, however, but in name, these classes may be reduced to two general species, of which all others etymologically speaking, seem to be varieties. They were the *Toneri* and the *Yatsuko*.<sup>3</sup> The latter has been so persistently represented by a Chinese character meaning slave, that one is accustomed to think that the *yatsuko* was always a slave,<sup>4</sup> but in fact the word was originally of the same derivation as *miyatsuko*,<sup>5</sup> son of the house, the later difference being that *yatsuko* without the prefix *mi* came to imply a relatively low status.<sup>6</sup> The derivation of *toneri* is unknown. We shall now prove that these two species were not very different from each other in status, and that, if they included some slaves, there are also mentioned

<sup>1</sup> The tribute-bearers seem to have been regarded, not as respectable guests of the government, but as being subject to personal service, as if they were so many slaves. See *Ôjin* y7 m9 and *Nintoku* yII.

<sup>2</sup> One, for instance, by Professor Kurita, IX, 4-5.

<sup>3</sup> "Yakabe" (家部) and "yakahito" (家人) were plainly derived from the same root as "yatsuko", i.e., *ya*, house. The Chinese characters for the "tsukaibito," 資人, sometimes are pronounced "toneri".

<sup>4</sup> 奴

<sup>5</sup> "Mi" is perhaps an honorific prefix.

<sup>6</sup> "Yatsuko" was also used as reproach or contempt without regard to the status of the person. E.g. KT. VII, 134, 147.

some men in real servitude who bear neither of the two names.

The Toneri was attached either to a person or to an office. That person was either of the Imperial family or of other noble houses, who was in one capacity or another a public officer in the sense that the term could convey at the time. Hence it is sometimes impossible to tell whether a *toneri* belonged to a person or an office. His personal attachment to the master was often of the closest kind: he would pine to death to follow the deceased master; he would rather be murdered together with the master<sup>1</sup> than escape for life<sup>2</sup>; he would accompany as a valet the fugitive sons of his unfortunate patron<sup>3</sup>; he would take up arms and defend the interest of his master.<sup>4</sup> His daily occupation was naturally of a miscellaneous character. We may perhaps infer from these facts that his treatment must have been good. While some *toneri* were clanless persons,<sup>5</sup> there were others who bore the *kabane* of the highest orders.<sup>6</sup> We observe that many of them belonged to 'be', or, groups.<sup>7</sup> Some had families.<sup>8</sup>

Even more difficult is it to determine the tenure of the Yatsuko than it is to infer that of the Toneri. The private troops of a Prince are said to have consisted of a *yatsuko* and several tens of *toneri*,<sup>9</sup> and those of a great man included many *yatsuko*<sup>10</sup> besides others of a different name which, we have reason to think, must have been the same as *toneri*.<sup>11</sup> These examples hardly show which of the two species stood

<sup>1</sup> N. Yûriaku, begin.    <sup>2</sup> Ibid.

<sup>3</sup> N. Kenzô, begin.

<sup>4</sup> N. Kôgioku y2 m11, and Sushun, begin.

<sup>5</sup> N. Yûriaku begin.    <sup>6</sup> N. Kenzô, begin.

<sup>7</sup> N. Yûriaku, begin., Kenzô, begin., Yûriaku y2, Ninken y2, Ankan y2 m4.

<sup>8</sup> Those who fled with Prince Yamashiro-no-Ôye (N. Kôgioku y2 m11).

<sup>9</sup> The same Prince (ibid.).

<sup>10</sup> Mononobe-no-Moriya (N. Sushun, begin.).

<sup>11</sup> The "tsukaibito". See note 3 of the preceding page.

the higher in status. While all the recorded instances place the *yatsuko* in a direct personal relation with their masters, many, if not all, *toneri* have been shown to have been similarly situated. One thing might lead us to suppose that at least some *yatsuko* may have stood in an inferior tenure to that of the *toneri*, for we hear of *yatsuko* for crime<sup>1</sup> and *yatsuko* by conquest,<sup>2</sup> but none of *toneri* of like origins. From this, however, it cannot follow that all other *yatsuko* were so situated; on the contrary, we observe a local magnate sending his son to a greater person as *yatsuko*, obviously for the sake of the training of the lad.<sup>3</sup> Even the captives from Korea and from among the Emishi, if they once were *yatsuko*, became ancestors of respectable citizens.<sup>4</sup>

Nor can we safely say that all the people who in actual servitude were engaged in some kind or other of public works were called *yatsuko*. As a matter of fact, they do not carry that or any other denomination in the records.<sup>5</sup> The tribute-bearers from Korea were sometimes similarly employed by the Government<sup>6</sup> during their stay in Japan.

All our argument tends to prove that the difference in name did not signify a difference in status. Servitude was, however, in existence, not only in public works, but also in private families. Some children of a criminal, for example, were given by the Emperor to a local magnate

<sup>1</sup> Mmashiuchi-no-Sukune (N. Ōjin 79); the children of Ne-no-Omi (N. Yūriaku 714).

<sup>2</sup> N. Keikō 740, Ōjin 73, —both Emishi; Kimmei 711 72, Yūriaku 79, &c.

The cases mentioned in the preceding two notes lose much of their value when it is remembered that the persons in question, except in the last example, do not in the records bear the name 'yatsuko'.

<sup>3</sup> N. Ankō 71 712.

<sup>4</sup> N. Keikō 740 and Jinkō 75 72.

<sup>5</sup> N. Ōjin 73, 77 79; Nintoku 711.

<sup>6</sup> The last two cases of the last note.

as his bag-carriers.<sup>1</sup> At the catastrophe following the assassination of the Emperor Ankô, two young Princes fled to Harima and served a great man as his "feeders of horses and feeders of cattle."<sup>2</sup> Alienation of slaves also occurs. The widow of a general who died in Korean expedition is seen transferring his Korean slaves to another person. This last case was, however, one of gift, and not of a sale or exchange.<sup>3</sup>

It would appear, in conclusion, that there were grades of personal tenure, from an intimate personal dependency to an actual servitude, with little definition of the exact status of each of them. This indefiniteness may possibly be due more to the scantiness of evidence or our imperfect analysis of it than to actual conditions.

Finally, attention must be called to the classification of some *toneri* and *yatsuko* into 'be', or, groups, which was not uncommon. Thus some of them distinctly in personal dependency on some lords or ladies belonged to, or, which is perhaps a different thing, were called, 'be'.<sup>4</sup> Some others formed such groups by themselves.<sup>5</sup> One should pause, however, before inferring from this that the mysterious institution of 'tomo' did penetrate into these regions, and placed the dependent people under their intricate classification. While it is conceivable that some of them may have been so organized, it seems much safer to think that, instead of a systematic application of the scheme of rearranging the majority of population in legal groups, a loose but, for some profound reason, prevailing habit of the people's mind to conceive of persons in groups, was at the bottom of this well-

<sup>1</sup> N. Yûriaku 714.

<sup>2</sup> K. Ankô, end (KT. VII. 147).

<sup>3</sup> N. Yûriaku 79.

<sup>4</sup> N. Yûriaku, begin., 71, Jingô (the case of the king of Shiragi).

<sup>5</sup> N. Yûriaku 72, Ninken 72, Ankan 72 *ma*, &c.

nigh ubiquitous Group. Probably it was not an invention of an Emperor or an age, but was, from some sort of cumulative necessity, born in the heart of the society, and spread on and on until it permeated the nooks and corners of the population. Probably its lineal ascendant was the primitive family organization, and its prevalence as a subtle fiction saved that organization from falling into ruins and leaving the State to take care of its own fundation.<sup>1</sup>

## X.

At length we have arrived at the point where we can discuss the institution of taxation and the military organization of the pre-Reform period. We shall devote this section to the first question and the next one to the second.

Let us again quote in parallel passages from the *Kojiki* and the *Nihongi* the first specific statements of the law of taxation. The *Nihongi* makes the Emperor Sujin decree in 86 B.C., among other things, that he wished to "make a new recension of the people, and to acquaint them with grades of seniority, and the order of forced labor." It goes on to say that six months later "a census of the people was first made, and *mitsugi* and *etachi* were imposed anew. These are called the men's bow-end *mitsugi* and the women's hand-end *mitsugi*."<sup>2</sup>

The *Kojiki* records the same tradition thus:—"Then the Empire was at peace and the people were prosperous. Thereupon the men's bow-end *mitsugi* and the women's hand-end

<sup>1</sup> What might be considered the Japanese genius for "fiction"—making is to be aptly illustrated in the stories of making earthen dolls to displace human sacrifices (N. Suinin *y* 32), and of scratching the soil above a buried body, instead of desecrating the grave, for revenge (K. Kenzô. KT. VII. 159).

<sup>2</sup> N. Sujin *y* 12. Aston, I. 160. The latter's translation is here modified.



*mitsugi* were first levied."<sup>1</sup>

In comparing these passages with one another, the silence of the *Kojiki* about the taking of a census will first strike us. It would be easy for us to suppose that the latter act is in less accord with the primitive conditions of the country which must have prevailed at such a remote antiquity, than with the period in which the book was written under the strong influence of Chinese ideas and customs, which taught the census-taking to be an essential basis of taxation. Again, the Chinese character which is here translated "anew"<sup>2</sup> was evidently intended to balance "first," and may itself mean "first."<sup>3</sup> If so, the two books would seem to agree with each other in saying that the bow-end *mitsugi* of men and the hand-end *mitsugi* of women were now for the first time levied. This is what appears to be the substance of the tradition. We know little as to whether it is based on truth, and less as to whether, if true, the fact occurred under the Emperor Sujin. Perhaps a reasonable way to deal with it would be to analyze, by the aid of other early records, what is meant by *mitsugi* and its two varieties. Such an analysis may incidentally show if it is possible to determine whether they both were levied now for the first time.

Then, again, the *Nihongi* mentions *etachi* besides *mitsugi*, while the *Kojiki* omits it. The meaning and use of *etachi* will, therefore, have to be determined. Did it exist as early as the *mitsugi*? Is its omission in the *Kojiki* more in accordance with other pieces of evidence?

*Mitsugi*, either in its etymology or in its usage, cannot be better rendered than by the word tribute, and *etachi*, wherever it occurs, means forced labor. The bow-end tribute would

<sup>1</sup> K. (KT. VII. 85). (Cham. 182).

<sup>2</sup> 更

<sup>3</sup> 始

suggest that of game, and the hand-end one may be the handiwork of women, presumably woven cloths. Such a distinction would very well answer to the primitive life of the people. While agriculture was evidently known, hunting seems still to have been largely practised. Men may have gone on hunting and fishing for food, and women stayed home to care for children and make cloths, while the primitive work of agriculture was well attended to in due season, either by men or by women. At least we would be entitled to presume such may have been the natural division of labor between the sexes. Not is this a pure supposition, for records are too numerous to cite that fish and animal meats, besides cereals and perhaps vegetables, were eaten, and that clothes were made of woven material. Opinions may differ as to the precise articles of the two forms of tribute, but their general nature cannot well be doubted.<sup>1</sup>

Professor Kurita's supposition that the custom dated far earlier than the reign of Sujin, that victuals, raw and cooked, were voluntarily presented to the Emperor by his subjects,<sup>2</sup> is based partly on doubtful and partly on later evidence. The accounts in the two books would not justify such a conclusion.<sup>3</sup> No better founded is his contention that rice-tribute was of the first importance from the very earliest times.<sup>4</sup> All that we know from the authentic accounts about the period earlier than the reign of the Emperor Sujin, which seems to have any bearing on the origin of tribute, is the custom of feasting the itinerant Emperor and his followers at the houses where

<sup>1</sup> Prof. Kurita silently accepts an interpretation in which later facts are evidently projected to the earlier periods. IV. 69.

<sup>2</sup> Kurita, IV. 66-68, 79.

<sup>3</sup> The remark in K. about "Nihemura" plainly states the idea of the time of the writer. (KT. VII. 66.)

<sup>4</sup> Kurita, IV. 69.

they lodged.<sup>1</sup> Nowhere do we meet with the tribute in any form being sent to the Imperial residence. Nor does any account of forced labor occur. This absence of evidence would, of course, no more warrant the inference that they did not exist and were now created for the first time by the Emperor Sujin, than it would prove an assertion similar to that of the late Professor. Weighing this lack of evidence, on the one hand, and, on the other, the inevitable inference that tribute in rice, meat and other articles, and forced labor for public work, must have existed in some form, it would seem safe to conclude that it was probably neither universally imposed on the people nor legally conceived as a matter of right and duty. If the tradition that the bow-end tribute of men and hand-end tribute of women were instituted by an Emperor implied any faint memory of some innovation, we cannot yet think that it was in any way radically new in character, or discordant with the actual state of life among the people.

Such being our hypothesis, we are still confronted by the important question why it was that the tribute of rice is nowhere stated in the accounts we have cited. It is a well-known fact that the Japanese from the earliest known times have lived on rice and served their gods with it. Probably rice did not assume such an importance as it did later in the pre-Reform period, as the standard of value, but the swelling expenditure of the State and the Imperial court must have required it in increasing quantities. It seems inconceivable that the tribute of rice should be left out of account. Might not the hand-end tribute have included rice? While it might not impossibly have done so, we know no authority who risked that interpretation. Professor Kurita makes a remark

<sup>1</sup> K. Jinmu (KT. VII. 63, 67). The custom of serving liquor appears from the K. Chūai (ib. III). During the reign of Ōjin, a superior art of liquor-making than had been known in Japan is said to have been introduced from Korea together with the books of Chinese literature.

which may be said to be confusing. "That there was not rice," says he, "among the *mitsugi* of men and women in the reign of Sujin, seems to have established the system of the later differentiation of tax(租税) and tribute(貢物)<sup>1</sup>." The translation is as literal as it can be made, and from it one may gather that, if the Professor is right, the Emperor must have foreseen the later development of the institution of taxation, while the whole statement removes no particle of the difficulty of the seeming absence of rice-tribute.

Before presenting our own hypothesis on the question, it is well to look at for a moment three important words that in later times came to stand for three different forms of taxation. Of these, *etachi* forced labor, and *mitsugi*, tribute, have already been mentioned. The third is *ta-chikara*,<sup>2</sup> which means literally 'force of the field,' and, hence, issue of land, or grain, especially rice. But it was rice as a tax, for rice pure and simple had its own name. The word is repeatedly used in the early records in that technical sense.<sup>3</sup> The three words, *ta-chikara*, *mitsugi* and *etachi*, exactly correspond to the famous three forms of taxes of the post-Reform age, that is, *so*, *chô* and *yô*, which are in fact nothing but the Sino-Japanese pronunciation of the characters which had usually represented the earlier three forms. As we shall later see, the *so*, *chô* and *yô* were not only copied by the Reformers from China, but had actually existed in rudimentary forms in Japan before the Reform. *Ta-chikara* existed somehow and somewhere, and existed perhaps as the most important form of tribute, which was destined to form after 645 the main resource of subsistence of the local government.

<sup>1</sup> Kurita, IV. 74.

<sup>2</sup> Prof. Kurita has an interesting argument on this word, which, however, is a pure hypothesis. IV. 73.

<sup>3</sup> N. Nintoku y 7, Yûriaku y 10 m 8, &c.

Where and how did it exist before the Reform? We have no direct answer to this question, but it is interesting that the following significant passage occurs in the *Nihongi*:—"The Emperor appointed Sakurai-Tanabe-no-Muraji, Agata-no-Inukai-no-Muraji, and Naniwa-no-Kishi, to the charge of the *chikara* of the Miyake" (535 A.D.).<sup>1</sup> If we remember that the Miyake were granaries, and ultimately grain, which was probably intended for the use of the State and the Emperor, would it not seem that therein we do see a large source of revenue in rice? It will be remembered, too, that some, if we should not say all, Agata were Imperial domains, and that, although their importance was apparently much eclipsed by the increasing Mita and Miyake, at least those in Yamato were never defunct until 645, when they were continued for a time. It may be legitimate to assume that rice-revenue was furnished, at least in part, by the Agata at first, and then more by the Miyake and Mita, whose number and produce seem to have increased as time advanced.

Let us now examine the other forms of taxes that were in use after the Emperor Sujin and before 645. We observe a great development in the organization of the machinery for assessing and collecting different kinds of *mitsugi*. They may be divided into two large classes, which roughly correspond to the bow-end tribute and hand-end tribute of the Emperor Sujin, -that is, *mitsugi* in food materials and those in cloths. The probable use of such groups (*tomo*) as those of the hunters, bird-keepers and bird-catchers, mountain-keepers, and sea-men,<sup>2</sup> has already been discussed. Of these, the last two

<sup>1</sup> N. Ankan y 2 m 9. Aston, II. 32.

<sup>2</sup> See the little story of a Sea-man. The late Emperor had been dead for three years, but neither of his two sons would succeed to the throne, each imploring the other to take charge of the Empire. When a Sea-man brought his fish to one of the Princes, he referred him to the other, saying that the tribute was due to him, but the latter referred the Sea-man back to the first Prince. During this mutual resignation,

seem to have been especially large and well organized. They are said to have been established, in several Kuni, in the reign of the Emperor Ôjin.<sup>1</sup> A Prince was given charge of the Mountain-Keepers, and a Muraji that of the Sea-Men.<sup>2</sup> Some of these group-people were used as soldiers by their heads in their rebellious attempts.<sup>3</sup> We later hear occasionally<sup>4</sup> of these groups and their chiefs, and, in 485, a man who had done a great personal service to the Emperor; is seen declining all other favors but begging to be appointed the head of the Mountain-Keepers.<sup>5</sup> It is not known whether the high importance of these two groups was not by degrees overshadowed by the families and groups, which seem to have been created more recently than they, for purposes similar to theirs.<sup>6</sup> At any rate it may be said perhaps that, in this stage of development, the tribute of victuals was no longer voluntary on the part of those persons who were specially charged with them. It is not known whether other people still presented them voluntarily, but the tremendous multiplication of the kinds and quantities of food tributes which were collected from all people after the Code of 701 would suggest that it may have been based on the older persistent practice of regarding universal tribute as a great source of revenue. What was once irregular and voluntary would, after once passing into the clutch of the government, be made systematic and obligatory. We infer such to have been the

which repeated itself more than once, many days were wasted, the fish decayed, and the Sea-man wept. So the proverb says: "Ah! the Sea-man weeps on account of his own things." See K. and N.

<sup>1</sup> N. Ôjin y 5 m 8. See also K.

<sup>2</sup> Ibid. y 40. See also K.

<sup>3</sup> N. Ôjin, after the death; Nintoku, end; and Yûriaku, end.

<sup>4</sup> Ingîô y 14; Yûriaku y 7; and Seinei, begin. and y 23.

<sup>5</sup> N. Kenzô y 1 m 4.

<sup>6</sup> Kurita, IV. 74-5.





and an Imperial palace,<sup>1</sup> and the building of ships.<sup>2</sup> Sometimes the people of a small section<sup>3</sup> were employed, sometimes of several Kuni<sup>4</sup> or many of them,<sup>1</sup> and sometimes "all the people of the country and the one-hundred and eighty *tomo*,"<sup>5</sup> whatever the former phrase may mean.

This last reference to the *tomo* at once calls back that difficult institution again to our attention. It would appear that, in this particular instance, the group-people were employed in the building of a mausoleum under the direction of their respective heads. That would be by no means strange, but what is really unknown about them is the problem of the support of the group-heads. Did they live on their groups much in the same way as the Emperor did on the whole people? The heads of the Mountain-Keepers who at different times used them as their private soldiers<sup>6</sup> must also have, we may infer, appropriated the issue of their industry for their personal subsistence. The man who modestly begged the Emperor to be favored with the humble position of the charge of this same group,<sup>7</sup> was probably aware of the handsome fortune which it carried with it. We offer it as a working hypothesis that most of the group-heads were probably rewarded with no sort of salary, but were left to live on their people the best they could. This supposition in no way excludes the existence of governmental pay in other relations, but the latter cannot be proved from the evidence we possess.

Returning to the State or Imperial taxation, it may be said, in summary, that it must have existed before the Reform in three general forms, of grain-tax, forced labor, and tribute in food, cloths and other articles. It is our hypothesis that the first was collected principally from the decaying Agata and increasing Miyake, that the second was incident on all the

<sup>1</sup> N. Kôgioku y I m 9. <sup>2</sup>&<sup>4</sup> Ibid. <sup>3</sup> N. Jomei y II m 7. <sup>5</sup> N. Kôgioku y I m 12.

<sup>6</sup> K. & N. Ôjin. N. Seinei, beg'n.

<sup>7</sup> N. Kenzô y I m 4

people of lower grades, who possibly served under their clan, group or local heads, and, finally, that the third was derived more or less systematically from specially appointed groups and families, and also more or less voluntarily from all the people in the land. In regard to the means of support of the local officers and group-heads, we will not attempt to make any positive statement. In conclusion, we may note that here, as well as in any other national history, the problem of maintaining the physical life of the State without unduly sacrificing the welfare of the people must have cost a tremendous amount of thought and ingenuity. The early struggle for a happy solution of this problem echoes itself, as it may seem, in the tradition that the supposed Korean expedition of the Empress Jingō was prompted by a desire to seize the reported riches of the peninsula.<sup>1</sup> The necessity of existence and desire for ease and growth are at the root of many a national act, and it would be interesting to know how these factors influenced the peculiar institutions of early Japan, some of which we have been describing. We shall observe in a subsequent chapter how the problem of taxation was dealt with by the statesmen of the Reformed government. It may be said, perhaps, that the profound relation between the evolution of taxation and that of all other great institutions is much easier to trace after the Reform than before it.

## XI.

THE military organization of ancient Japan forms one of the hardest but most profitable subjects in our study. Here again we shall follow as closely as possible the process of our reasoning, instead of dogmatically stating our conclusions at the outset. Yet we cannot proceed before considering the value of

<sup>1</sup> Both K. and N. agree on this point.

the late Professor Kurita's opinion that from the earliest times Japan had had a well-organized army divided into multiples of five bodies, each consisting of five groups of fifty soldiers each<sup>1</sup>. His authority is no other than the *Kujihonki*, whose date of composition Motowori has determined to be no earlier than 800.<sup>2</sup> The two earlier books, the *Kojiki* and the *Nihongi*, from which this work has derived nearly all its material, do not corroborate its statements in this regard, while they contain sufficient evidence that such could hardly have been the case. This last statement of ours, however, will be tested only after we have adduced our evidence at length.

It would be hardly necessary to say that a reasonable method of dealing with this general subject will be to consider the specific cases recorded in the two books where we see military forces in actual operation. Those cases are exceedingly numerous, and call for some careful plan of treatment. The difficulty is aggravated by the important fact that the two authorities at times diverge considerably from each other, and that, what is more, the nature of the divergence varies from case to case. It would bring about a hopeless confusion if we compared the parallel accounts of the cases one after another. Some scheme of classifying them is needed, and it should be of such a character as to serve at the same time a double purpose, that is, the classification should be according both to the nature of the cases and to that of the divergence of their accounts in the two works. With this view in mind, we propose the following scheme for consideration:—The accounts of the Conquest of the first Emperor, those of the pacification of the land under the Emperor Sujin, those of civil strifes, and those of Korean expeditions. The first two sets are most meagre, but would serve as an introduction to the characteristic difference of the

<sup>1</sup> Kurita, XII. 1-5.

<sup>2</sup> *Kojikiden*, Introductory Volume, 20-1. If Motowori's verdict is not final, the inferiority of the *Kujihonki* to the K. and N. is none the less great.

two authorities, as well as to the evolution of the military organization itself. The third may be subdivided into the accounts of the struggles for succession to the throne, of the subjugation of the northern and southern tribes, of internal troubles, and of the strifes for power among the great men around the Imperial residence. Under this general class of accounts the difference between the books changes its character considerably from what it is in the first two classes. It is in the fourth class, however, that we come to see the indisputable superiority of the evidence of one of the books to that of the other. But then they will have completely changed their positions, for while for the first two classes the *Kōjiki* will prove the more reliable, it will begin to fail in the third, and in the fourth be completely defeated by the *Nihongi*. We subjoin for convenience our general scheme of classification:—

- A. The Conquest of Yamato by Jimmu.
- B. The pacification of the country by Sujin.
- C. The civil strifes,—
  - (1) for Imperial succession,
  - (2) against the Kumaso and the Emishi,
  - (3) against rebellious subject, and
  - (4) amongst the aspirants to power.

and D. The Korean expeditions.

Running through nearly all the accounts of these classes one will detect some common elements, from which the military forces of the pre-Reform age were probably organized.

A. This and all other earlier accounts of military affairs in the *Kōjiki* are characteristically simple. The Emperor and his followers are represented as strong and energetic but extremely few in number. One of his strongest foes, Nagasunehiko, is seen “raising his soldiers”—an oft-recurring phrase in the *Kōjiki*—and resisting the Emperor<sup>1</sup> with bow and

<sup>1</sup> KT. VII. 64.

arrow, but the whole account impresses one but as a combat between two bands of warriors. When another foe was encountered, the Emperor "would collect his soldiers but could not,"<sup>1</sup> and thus had recourse to a treachery, which was executed by two of his followers whom the *Nihongi* would extol as great generals of the expedition. Following this event, a feast was given to the Emperor by a chief who had lately surrendered himself, which was shared by this warriors.<sup>2</sup> Another act of treachery is recorded, where the eighty servants of the Emperor suddenly arose in the midst of a feast and slew the eighty foes who had been decoyed thither.<sup>3</sup> These accounts may be full of fancy, but one reads nowhere in them of so much as a battle. It is implied that the Imperial forces consisted of no more than a few Princes and immediate followers, occasional deserters from the enemy, and a few persons who joined on the way.<sup>4</sup>

The accounts in the *Nihongi* are, as might be expected, highly embellished, but all the Chinese veneer with which they are covered can not completely disguise the primitive simplicity of the tradition. Michi-no-Omi, at the head of the troops of the great Kume-group, led the way,<sup>5</sup> and the Conqueror commanded a vast army of male and female warriors.<sup>6</sup> But success did not always attend his arms, and, if his warriors were many, his foes often appeared to number more. His ultimate success was largely due to his stratagem and the interference of the gods. From such a confused concoction, it would be impossible to form a correct idea of the military

<sup>1</sup> KT, VII, 67.

<sup>2</sup> Ibid, 67.

<sup>3</sup> Ibid, 68.

<sup>4</sup> The same simplicity will be observed in the account of pacifying the region of Kibi. K. Kârei (KT, VII, 76).

<sup>5</sup> KT, I, 81.

<sup>6</sup> Ibid, 88.



organization under Jimmu. One fact, however, which is omitted in the *Kojiki* but appears in the *Nihongi*, claims our attention. Michi-no Omi, the supposed ancestor of the Ôtomo clan, is recorded as having led the great Kume-group of soldiers, and as settling down with the group after the Conquest was accomplished, near the imperial residence.<sup>1</sup> The word 'Mononobe' which was probably in its origin applied to any group of soldiers, came to be the name of a clan, whose members, together with the Ôtomo, seem to have had charge over the groups of soldiers. The most important of these later groups still seemed to be the Kume and the Mononobe. The clans of Ôtomo and Mononobe underwent vicissitudes of fortune, but the bulk of the military forces that could be gathered near the throne still consisted of the Kume and the Mononobe, which might indeed be regarded as two great *tomo* of professional warriors. References will be frequently made to them in the rest of this section. Their origins are not known, and, while the *Kojiki* is silent, the *Nihongi* would have us believe that the Kume-group antedated the Conquest.

B. As to the pacification of the Empire by the Emperor Sujin, the *Nihongi* states that the Emperor, regretting that "the distant savages did not receive his calendar because they were yet unaccustomed to the civilizing influences of his rule," sent four men of the Imperial family to the four quarters, i.e., the northern region, the Eastern Sea, the Western road, and Tamba; and addressed them, saying:—"If there be any who do not receive our instructions, prepare war and smite them."<sup>2</sup> Then there was the rebellion of Iianiyasu. The four generals all returned the next year and reported the complete pacification of their respective regions.<sup>3</sup> The *Kojiki*

<sup>1</sup> K.T.I. 92.

<sup>2</sup> N. Sujin 10 *mm* 7 & 9. Aston, I. 155-6.

<sup>3</sup> N. 11 *mm* 4.



copies the same tradition, but omits the reference to the Western road.<sup>1</sup> Of course, it has no word to say about the calendar and the civilizing influences, and about the speedy success of only six or seven months. The one who was sent to Tamba was instructed to slay some rebel or rebels, and the other two were to "quiet the unsubmissive people."

In this tradition, it may be said, is reflected the faint memory that at a remote time the country became restless and a few persons of Imperial blood were despatched to smite the disorderly persons and restore peace. This is perhaps all that we can read in the tradition, whose authenticity we have no means to prove or disprove. The word "generals" used by the *Nihongi* should not receive serious attention. The simplicity of the other account leads us to suspect that the tours, if really made, were probably not so much the expeditions of "generals" as the itinerancies of so many companies of armed inspectors.

C. (1) First to be considered in this class are the struggles for Imperial succession. One that took place at the death of the first Emperor and some of the murderous attempts of Prince Ôhatsuse were nothing more than single-handed combats. The rebellion of Take-haninyasu-hiko, who "raised his warriors" in his residence in Yamashiro, is pictured in the *Kojiki* as a hand-to-hand fight between his followers and those of two other Princes, preceded by the exchange of a few arrows across a stream. Even the ornamented account of the *Nihongi*<sup>2</sup> states that the rebellious warriors were exterminated, which would seem to imply that they were not very numerous. The revolt of Sahohiko, brother of the Empress, is described more at length in the *Kojiki*. He defended him-

<sup>1</sup> K. Sujin (KT, VII. 83). Cham., 173. One name is different from the corresponding one in the *Nihongi*.

<sup>2</sup> N. Sujin 7 10 m 9.

self in a rice-palisade,<sup>1</sup> which was so simple and so easy to approach that a strong warrior of the Imperial side could force his way into it and try to rescue the Empress from fire. The corresponding passage in the *Nihongi*<sup>2</sup> substantially repeats the same tradition, except that the Imperial troops are here said to have been collected from neighboring districts and later increased.

We have a more interesting case in the rebellion of Prince Ôyamamori at the death of Emperor Ôjin, who had presumably<sup>3</sup> charge over the recently created groups of the Yamamori (Mountain-Keepers). The number of his warriors, whose existence is sustained even by the *Kojiki*,<sup>4</sup> is stated in the other book to have been several hundreds.<sup>5</sup> What really interests us here is not the number, but a tolerably clear evidence that the warriors must have included members of the groups, if they did not exclusively consist of them. This conclusion seems even more tenable in the case of a Kibi-no-Omi, who likewise commanded some of the same groups, and came to succor another rebel Prince. He is said to have commanded a large force and afterwards been, for his offence, deprived of his charge of the groups.<sup>6</sup> There is a still clearer piece of evidence, which tells us in plain words that the troops of a person of the same name, who was despatched to Korea were in part commanded by a chief of the Sea-men.<sup>7</sup> It seems that he had charge over some of their groups. More facts will follow in subsequent paragraphs that point to the same

<sup>1</sup> A much deboted phrase.

<sup>2</sup> N. Suinin y 5 m 10.

<sup>3</sup> This inference would be safe from N. Ôjin y 5 m 8 and y 40 m 1.

<sup>4</sup> K. Ôjin, end.

<sup>5</sup> N. Nintoku, begin. (KT. I. 192).

<sup>6</sup> N. Seinei, begin.

<sup>7</sup> N. Yûriaku y 7. A still earlier evidence obtains where a head of the Sea-men is seen acting under the instruction of a rebel Prince and pursuing the heir to the throne with his several tens of Sea-men. N. Richû, begin (KT. I. 212). K. is silent.

conclusion. Now, if our inferences are sound, they would appear to reveal to us an important situation. The groups of the Mountain-Keepers and the Sea-men were, as we supposed, originally created mainly for the purpose of taxation, and hence their position was essentially different from that of the Kume and the Mononobe, whose members were professional warriors. Yet, the former groups were called upon by their heads to furnish warriors in case of emergency and risk their lives for their interest. If we now call to mind what was said in the last section about the relation of the groups to its head in matters of taxation, and take these two suppositions together, we might say that the nature of his superiority over it is now less obscure in our mind than it was earlier in this chapter.

Let us take another set of cases where Princes in danger threw themselves under the protection of some great men, who thus defended them with their private warriors. It is significant that these cases no frequently recurred, as if the great subjects had larger military resources than the Princes. We may refer to three important cases of this kind,--the rivalry between Princes Karu and Anaho,<sup>1</sup> the conduct of Mayuwa after his assassination of the Emperor Ankô,<sup>2</sup> and the extermination of Shibi.<sup>3</sup> The last is an instance that a nobleman resisted the forces of two Princes, but in each of the other two the Prince in question ran into the house of a nobleman, where they together resisted the attacking forces, until they finally succumbed. Our primary question would be who these great subjects were. It is interesting to see that the one in the first case was a Mononobe, great military clan-head, and those for the second and the third were, respectively, a Katsuragi and Heguri, relations of the Mononobe and of the Soga, the

<sup>1</sup> K. Ingîô, end. N. Ankô, begin. (KT. I, 230).

<sup>2</sup> K. Ankô, end. N. Yûriaku, begin (KT. I, 234).

<sup>3</sup> K. Seinei, end. N. is silent about it,

latter of whom had risen to such a power just before the Reform that the interests of all other clans and even of the Emperor were imperilled. Having now seen who were on the defensive, we should try to know who were arrayed on the other side. In all the three cases, however, we are only told that warriors for attack had been raised, we know not from what quarters and in what numbers. In no account does the size of the offensive forces appear to have been large. We have a more specific statement, however, in the passage in the *Nihongi* which relates how Prince Hoshikawa in 480 found shelter in an Imperial treasury building, and how the warriors of an Ôtomo surrounded it and burnt it to the ground.<sup>1</sup> Here thus it was another hereditary war-lord and one of the most powerful clan-heads of the Empire who put down the rebellion.

In the battle near Osaka which was waged between the Empress Jingo and Prince Oshikuma,<sup>2</sup> the forces of the former were led by a person of the Imperial descent<sup>3</sup> and the other partly by a man of the rank of Sukune.<sup>4</sup> It appears from the records that these leaders were especially appointed by the contending parties, and we cannot be sure that the forces they commanded were gathered from their clans or groups. As to the size of the troops, the *Nihongi* is true to its love of grandeur of phrases, several tens of thousands being the number assigned to the Imperial army, but it soon forgets itself when it comes to record the story of the treacherous act by which the battle was won, and which could not have taken place between such large forces. The Imperial forces, it is related, approached their enemies, pretending to surrender themselves, and, coming to striking distance, took out concealed weapons, and defeated them. It will be remembered

<sup>1</sup> N. Seinei, begin.

<sup>2</sup> N. Chûiai, end. N. Jingo y1 m3. (KT. I, 168).

<sup>3</sup> Takefurukuma was son of a descendant of Emperor Kôshô.

<sup>4</sup> There is a slight differences between the two books as to this personage.

that the whole account in either of the two authorities is entirely in the domain of tradition, and it would not be legitimate to draw any material conclusion from it. Only it is well to know that our hypothesis of personal combat and of group-warriors are not always sustained by the words of the records.

(2) Let us now see what inference we could draw from the account of the expeditions against the barbarians of the north (the Emishi) and of the south (the Kumaso). While the characteristic difference between the *Nihongi* and the *Kojiki* is noticeable in every account, the primitive simplicity and the diminutive size of the Imperial forces cannot be concealed even in the former. In his personal expedition against the Kumaso,<sup>1</sup> the Emperor Keikō is made to say that if he raised too few troops he would not succeed, and if too many the people would suffer. In the second southern expedition,<sup>2</sup> the Prince who was sent resorts to a single-handed assassination. The same Prince was also sent against the northern tribes,<sup>3</sup> and started with his mistress and apparently a very few followers, for he complained to his sister that he had "not even the troops."<sup>4</sup> Even the *Nihongi* makes the Emperor command that the Prince shall endeavor to subjugate the rebels without appealing to arms.<sup>5</sup>

It would seem therefore that, judging from the records on which all popular memories must have been based, the expeditions, if they were really undertaken, were hardly worthy of that name. Except perhaps in the Emperor's own command, which the *Kojiki* does not relate, there was no more military organization than a group of a few but loyal

<sup>1</sup> N. Keikō 312 m7-m19. The *Kojiki* omits the expedition.

<sup>2</sup> K. Keikō (KT, VII, 97-8). N. Keikō 327-8.

<sup>3</sup> K. Keikō (KT, VII, 99). N. Keikō 340.

<sup>4</sup> Ibid.

<sup>5</sup> N. Keikō 340 m6.



and vigorous warriors. No trace of the *tomo* is here seen in these very early traditions.

(3) Next to be considered is the chastisement of rebellious subjects.

"There was a man of Miwikuma," says the *Nihongi*, "in the Kuni of Harima, called Ayashi-no-Womaro, who was strong of body and stout of heart, and did wanton outrage, committing robberies on the highways, and preventing traffic. He intercepted the boats of merchants and plundered them every one. He had also disobeyed the laws of the country by neglecting to pay his taxes. Whereupon the Emperor sent Oki, the Omi of Kasuga-no-Wono, in command of one hundred soldiers who feared not death. They all together took torches, and having surrounded his house, set fire to it. Now from the midst of the flames there came forth furiously a white dog, which pursued Oki-no-Omi. This dog was as big as a horse. But the complexion of Oki-no-Omi did not change. He drew his sword and slew it, whereupon it became changed into Ayashi-no-Womaro."<sup>1</sup> (469 A.D.)

Two things must be eliminated from this account: superstition and Chinese influence. The latter is seen through the words here rendered as "laws of the country" and "taxes." Leaving other anachronous references, the passage may be reduced for our purpose to a simple account that Oki-no-Omi at the head of some warriors surrounded the house of the recalcitrant and burnt it. The defender does not seem to have had any military resource. The main point that interests us here is who the warriors were. The text does not answer the question. Let us turn to the account of an event that is recorded to have taken place only six years previous, and see whether it will throw any light on our present question.

An Omi of Lower Kibi is reported thus:—He "took young

<sup>1</sup> N. Yûriaku 713 m8. Aston (I. 361) is followed with slight variations.

girls to represent the Emperor's men, and grown-up women to represent his own men. Then he made them fight with one another, and on seeing that the young girls were victorious, drew his sword and slew them. At another time he took a small cock, which he called the Emperor's cock, and pulled out its feathers and clipped its wings. Then he took a large cock, which he called his own cock, attached to it a bell, and armed its spurs with metal. Then he matched them together, and when the naked bird got the better of the other, he again took out his sword and killed it." "When the Emperor heard this story," the *Nihongi* goes on to say, "he sent thirty soldiers of the Mononobe, who put Sakitsuya [the Omi] to death, with seventy persons of his household."<sup>1</sup>

It is no cause of surprise that the Omi had such a large family, even if the precise number here given may not be trusted, for the magnitude and power of the Kibi clan is well-known. What directly concerns us here is the specific mention of the Mononobe warriors. These latter and the Kume from time to time performed similar duties.<sup>2</sup> From these facts, one may surmise that the troops of 469 may also have perhaps belonged to either of the two groups.

Perhaps no insurrection of a private person before 600 was more serious than that of Iwai, which is recorded to have occurred in 527-8.

"In this reign," says the *Kojiki*, "Iwai, the Kimi of Tsukushi, was disobedient to the commands of the Emperor, and was very disrespectful. So Great-Muraji Mononobe-no-Arakahi and the Muraji Ôtomo-no-Kanamura were both sent to slay Iwai."<sup>3</sup>

The *Nihongi*, whose authenticity must be considered much greater for these years than for the earlier period, has a much

<sup>1</sup> N. Yûriaku 37 m8. Aston (I. 348) is here quoted.

<sup>2</sup> N. Yûriaku 32 m7; 318. Jomei, begin; etc.

<sup>3</sup> KT. VII, 161 2.

fuller account, which we shall quote at length, omitting, however, those parts which are either unquestionably Chinese in form or comparatively irrelevant to our investigation.<sup>1</sup> We shall, however, purposely retain some remarks which are unquestionably unauthentic but nevertheless have some historical value.

Keno the Omi of Ômi was about to proceed on his Korean expedition, "when Iwai, the Kuni-Miyatsuko of Tsukushi, secretly plotted rebellion, so that there was a delay of several years.....[The Korean kingdom of] Shiragi, knowing this, secretly practiced bribery with Iwai, and encouraged him to oppose the passage of Keno-no-Omi's army. Hereupon Iwai occupied the two Kuni of Hi and Toyo, and would not allow the duties to be performed."<sup>2</sup> Abroad he intercepted the route by sea, and led astray the yearly tribute ships from the Korean countries of Koma, Kudara, Shiragi and Mimana, while at home he blocked the way for Keno-no-Omi's army which was being sent to Mimana." The Emperor commanded the Great-Muraji Mononobe-no-Arakahi to lead the chastising army against Iwai.<sup>3</sup> The reply of Mononobe contains the following significant remark:—"From Michi-no-Omi [ancestor of the Ôtomo family] in ancient times, down to Muroya [Ôtomo] at present, [the Ôtomo] have fought for their Emperors and to rescue the people from misery: It was one time, and now is another time. [Although I am not an Ôtomo, but a Mononobe], I always reverence what Heaven helps."<sup>4</sup> The battle was fought between the contending armies in Miwi of Tsukushi, and Mononobe "at length slew Iwai, and eventually subdued the frontier land."

<sup>1</sup> For the whole passage the reader is referred to N. Keitai 頁21-22. Aston, II, 15-17.

<sup>2</sup> Aston's translation is here altered.

<sup>3</sup> The Imperial words echo the phrases of the *Shu King*.

<sup>4</sup> The translation of the last two sentences are here greatly changed from Aston's.

Undoubtedly the event was an exceedingly serious one. As will be seen below, Tsukushi always occupied a position of great importance as the frontier region directly open to Korean communication and influence. All the envoys and expeditions passed through here. Its Miyatsuko was always a person of weight, and its military strength always great. Taking advantage of this commanding position, Iwai moreover made connections with Shiragi, and appropriated the tributes from all the Korean kingdoms to Japan. His immense wealth is well attested by the grandeur of his mausoleum that has lately been discovered.

Against this formidable rebel were sent two of the greatest men of the day of the highest patriarchal rank. True, the *Nihongi* omits one of them, who was an Ôtomo, but the quoted words of Mononobe incidentally bring out the important fact that the Ôtomo family had continually served the country with their arms, or, perhaps as it is meant, with their leadership in arms. The latter part of his remark perhaps should not be taken to mean that the Ôtomo alone performed the service and that the Mononobe had no share in it. The Chinese phrase, "It was one time, now is another time", is not always made to convey the meaning of two different conditions at two different times, but sometimes comes very near to the current English phrase that this is one thing and that another. As a matter of fact, the Mononobe had frequently furnished both warriors and leaders.<sup>1</sup>

In summing up the evidence of this class of cases, we may safely observe that in the pacification of rebellious subjects men of the Ôtomo and Mononobe groups were almost always called upon to make up the forces of the Imperial army.<sup>2</sup>

<sup>1</sup> N. Yûriaku 37 m8, 318, Keitai 39 &c., &c.

<sup>2</sup> See also N. Yûriaku 312 m10, 313, m3, m9, 318, &c.

(4) For about half a century previous to 645, fierce struggles for power were being waged around the Capital, in which many Princes and great families fell one after another before the rising power of the Soga. Our information for these events is limited to the accounts in the *Nihongi*, for the *Kojiki* after the end of the fifth century contains hardly more than the names of the Emperors and Empresses and of the places of their residence. Now the interest of these accounts will consist mainly in the important difference of situation and also of strength shown between the great men, according as they acted in the capacity of clan-heads, group-chiefs, or high officers of the State. The speedy alternation of fortune was such that the same persons would be seen now filling all these capacities and then reduced to the position of mere clan-heads. There would then be a continual permutation of the three kinds of military forces then available: private warriors of clan, professional soldiers of the military groups, and such resources as a high officer of the State could command. The analysis of these last named resources will bring out to light the existence of a peculiar military institution, in principle essentially different from the rest, which was destined to survive the Reform.

We shall now take up a few illustrative cases and discuss their value. While doing so, let us always remember that we are no longer dealing with pure traditions nor purely native institutions; the art of historical recording and some knowledge of Korean and Chinese custom and law had already found their way into Japan.

The Emperor Bitatsu had died in 585, and the Empress stayed in the Palace of temporary interment, which their favorite Minister Sakashi, the Kimi of Miwa, protected with the *Hayato*.<sup>1</sup> Prince Anahobe wished to possess himself of the

<sup>1</sup> N. Bitatsu, end. Aston, II. 105.

empire, and, in 586, tried to force his way into the palace of temporary interment, in order first to win the Empress. But Sakashi "called out the *guards*, who firmly fastened the Palace Gate, and, resisting his entrance, would not let him in." Seven times did the Prince shout at them to open the gate, and was seven times refused. Then the Prince requested the Great-Oni Soga-no-Mmako and the Great-Muraji Mononobe-no-Moriya that he may be allowed to put Sakashi to death, to which they said: "Be it as thou hast commanded." Upon this, the Prince, "while secretly planning to make himself ruler of the Empire, falsely gave out that his object was to kill Sakashi-no-Kimi. At length, along with the Great-Muraji Mononobe-no-Moriya, he led troops" with which they surrounded the residence of sakashi, who fled to the country-house of the Empress. The Prince straightway sent Mononobe to go in command of an armed force and slay Sakashi and his two children. He himself started after Mononobe, but Soga urgently remonstrated with him, and stopped him on the way. When Mononobe returned and reported that he had carried out the Princely commands, Soga broke into bitter lamentations, saying:—"Civil disorder in the Empire is not far off," to which Mononobe answered and said: "Thou a little minister dost not know about it."<sup>1</sup>

The nature of the immense struggle that was going on, which is well represented in this account, will be dealt with in the next chapter. What immediately concerns us here are the military institutions represented by the three italicized words: the Hayato, the guards, and Mononobe. The last has often been commented upon. It is the first two that now strike us as novel. This is not the first time that the word Hayato occurs, for we read both in the *Kojiki* and the *Nihongi* that during the reign of Richu 400-405, according to the dating of the

<sup>1</sup> N, Yōmei vi m6. Aston, II, 108-9, with a few alterations,



Nihongi) a Prince was assassinated by a Hayato who attended his person.<sup>1</sup> There, his status may be said to be akin to that of a 'toneri'. Here, in 585, it is not clear whether the Hayato had any connection with the "gurads". This last word recurs at least twice after this.<sup>2</sup> Although their organization and constituency are alike unknown,<sup>3</sup> they are, in all the three cases, evidently official soldiers attached to the government to guard the Imperial court. It is easy to suppose that Hayato were not identical with these guards, but at most formed a part of them, for it seems plain that in every case a Hayato was a servant of warlike nature. It is interesting to know that the barbarian tribes of southern Kiushu were beginning to be called by the same name, which really meant "quick men", and it is probable that the Hayato at court were recruited from among these tribes whose agents continually brought tributes to the Emperor. But this is a hypothesis.

Now, to return to the narrative. A crisis occurred as soon as the Emperor intimated his desire to accept Buddhism, in 587. Mononobe and Nakatomi were opposed to it, but the rest of the court, following the lead of Soga, were solidly arrayed against them. Mononobe fled for personal safety, and at his country-house "gathered men" and defended himself. Nakatomi, too, collected men at his house and supported Mononobe, but was soon murdered. An Ôtomo armed himself and defended the residence of Soga by night and day.<sup>4</sup>

In this account, it will be seen, the forces all acted in private capacity. Things were soon to change on Soga's side.

The Emperor died, in the same year, and the catastrophe was immediately brought about. Mononobe seems to have

<sup>1</sup> K. Richû (KT. VII. 137) N. Richû, begin. (KT. I. 214.)

<sup>2</sup> N. Sushun, begin., and Kôgioku 74 76.

<sup>3</sup> After the Reform, the guards of the same names and for the same purposes seem to have been recruited from the country at large.

<sup>4</sup> N. Yômei 72 74. Aston, II, 109-111.

still held his position at his house, and his "warriors made a disturbance thrice," in their attempt to place a Prince on the throne. Soga, on the command of the Empress Dowagar, charged three ministers to go and slay the Prince, which was done by the "guards." Then, five Princes, Soga and the heads of the families related to him, "led an army" and marched against Mononobe. In the meanwhile, another company "led soldiers" from Kawachi against Mononobe's house. The latter, "in personal command of the relatives and of 'Yatsuko'-warriors, built a rice-fort and gave battle." Climbing up into the fork of a tree, he shot down arrows like rain. "His troops were full of might, and filled the house and overflowed into the plain." The abashed offenders invoked the powers of the Buddhas and Gods, and "urged their troops of all arms sternly forward to the attack." A man shot down Mononobe from the branch and killed his children. His troops accordingly gave way and dispersed. Some of his children and relatives changed their 'kabane' and 'na', while others fled away nobody knew where.<sup>1</sup>

Such was the fall of the Mononobe. It will be noted that the guards here again appear, as they do once more, in "several hundreds", when they were pursuing a surviving attendant of Mononobe. It is to be regretted that the writers of the *Nihongi* have not given us a more specific account of the two branches of the forces that were drawn up on Soga's side. From the text it would appear that they consisted of the personal followers of the Princes and the people and families directly subordinate to the great Soga clan. The guards either may or may not have been among them. Finally, and most interesting of all, we are distinctly told that the apparently numerous followers of Mononobe were made up of his relatives and 'yatsuko.' We should not be surprised at the discrepancy between their magnitude and their ill success, for,

<sup>1</sup> N, Sushun, begin,

Aston, II, 112-5.

if the account is correct, the fall was due more to the dangerous position to which their leader had exposed himself than to their own weakness. Certainly their strength may well be judged from the story that, even after they had dispersed and half the number of the surviving 'yatsuko' had been disposed of, an attendant with his hundred warriors kept at arm's length, for a considerable period of time, several hundreds of the guards sent against him.<sup>1</sup>

After all is said, however, a question still forces itself upon us, which may be considered from our point of view the most important. Was it the clan (*uji*) of Mononobe that fell, and did the group (*tomo*) of Mononobe survive it? Who can tell that the two were in this case different one from the other? Even if they were, one would not be sure whether or not the phrase "his relatives and *yatsuko*-warriors" included the men of his *tomo*. Only he knows that henceforth the *tomo* as a group of professional warriors does not appear in the *Nihongi*.<sup>2</sup> He may suppose, indeed, that in this catastrophe fell all the Mononobe, clan and group.

After this event, the Soga maintained their undisputed supremacy for over a half-century. In 644, Soga-no-Iruka sent an Omi and a Muraji to seize a Prince who was his inveterate enemy. The troops they led are not specified. At the residence of the Prince, a *yatsuko* and several tens of *toneri* fought in defence and shot the Muraji dead. But the Prince thought it wise to escape with his family. Four persons, two of whom were a *toneri* and his daughter, accompanied them. It was suggested to the Prince that if he "made the Mi-groups of the

<sup>1</sup> N., immediately following the above account.

<sup>2</sup> N. Jomei, begin. Before the Emperor came to the throne, Soga ordered one "Kume-Mononobe" to slay Sakaibe. This would not seem to establish the independent existence of the Mononobe group after the fall of the clan. Soga the elder called his son Mononobe the Great-Omi, as his mother was a Mononobe. (N. Kôgioku 72 1110.)

eastern Kuni the foundation of his strength, and raised troops," he might return and win his cause; but he would not suffer the people to run the risk for his sake. This reference to the Mi-groups should not be overlooked, for it again indicates the relation of the *tomo* to its head. Soga once more despatched troops after the Prince, who at length killed himself in a Buddhist temple. Here, too, we are not told who these troops were,<sup>1</sup> but we presently read the following account.

In 643, the Soga built their two houses on a hill, which they called Palaces. "Their sons and daughters were styled Princes and Princesses. Outside the houses palisades were constructed, and an armory was erected by the gate.....Stout fellows were constantly employed to guard the houses, with arms in their hands." Another house was erected and a pond dug, "so as to make of it a castle. He [Soga-no-Emishi] erected an armory, and provided store of arrows. In his goings out and comings in he was always surrounded by an attendant company of fifty soldiers .....The people of the various clans (*uji*) came to his gate, and waited upon him. He called himself their father, and them his boys. The Atac of the Aya family attended wholly upon the two houses."<sup>2</sup>

The same Soga who could act thus in 643 must have had easy means to defeat the band of the *yatsuko* and *toneri* of a Prince in 642.

But what a change of situation! The Mononobe had perished, the Ôtomo been humbled, and all the other clans were on their knees, meekly calling themselves children of Soga. The state of affairs was no longer normal. How the patriarchy of the pre-Reform Japan had come to this pass will be briefly described in the next chapter. Let it suffice here to show how

<sup>1</sup> N. Kôgioku *y2 m11*. See Aston, II. 181-2.

<sup>2</sup> Ibid. *y3 m11*. Aston, II. 189-190.

finally in the celebrated crisis of 645 all the military factors in the Empire were arrayed on two opposing sides to measure their strength.

On the day when the tribute of the Korean kingdoms was presented and their memorial read, in the presence of the Empress and all the court, suddenly the younger Soga was murdered by the Prince, leader of the Reform movement, and his followers. He had "ordered the Guard of the Gates to fasten all the twelve gates at the same time, and to allow nobody to pass. Then he had called together the Guards of the Gates to one place and promised them rewards." Their assistance was not needed, however, because Soga was unarmed and no one rose to defend him. After the deed was done, the Prince presently entered a Buddhist Temple, and "the *Miko*, *Kimi*, ministers, *Omi*, *Muraji*, *Miyatsuko* of the *Tomo* and *Miyatsuko* of the *Kuni*, one and all followed him." On the other side, the *Ata* of Aya, who had always guarded the houses of the Soga, "assembled all their clan, and, clad in armor and with weapons in their hands, came to the assistance of the Great *Omi* [the elder Soga], and formed an army." But an *Omi* deserted them, and "the rebel troops, following his example, dispersed and ran away." The Great *Omi* was immediately executed.<sup>1</sup>

It will be seen without comment that the Prince rallied to his side nearly all the court and all the nobility, as well as the official soldiers of the Guard, while, on the other hand, the elder Soga could hardly rely on the Aya family even. It should be noted, too, that if each of the great men who followed the Prince brought with him his personal attendants and the clan and groups that were under his jurisdiction, his army would have comprised nearly all the military resources that the Empire could command.

<sup>1</sup> N. Kôgioku y4 m6. Aston, II. 191 3.

If we more intensely look at this evidence and the others that have been cited, a very peculiar state of things would seem to loom up before our mind's eye, which was, however, perfectly logical from the structure of the State before the Reform. We refer to the easy interchange-ability of the public and private capacities of the soldiers, which has once been alluded to.<sup>1</sup> The same men are there, led by the same leader, but their position in the State would be at this moment that of public warriors and at the next that of private servants or even rebels. That is to say, the house, the clan and the group, one and all, completely changed their character by the simple attitude of their master. Hence, a Mononobe would make a very formidable rebel to subdue, when he resists the rest of the military forces of the State: his *yatsuko* and *toneri*, his *uji* and *tomo*, would fight for him against all the world. A Soga at the head of the State would employ at will the forces of individual nobles, and build his private armories and create his personal guard. In the last cited event of 645, whose anomalous character must indeed be recognized and whose intrinsic nature seemed to justify its occurrence, the Prince is seen making use of the official Guard, to which he had no clear right. This fundamental peculiarity might be reduced in its last analysis to the fictitious patriarchy that seemed to animate the whole institutional life of the Pre-Reform period. It was what held the Empire together, and it was also what brought it to the verge of a fall, as will be shown in the next chapter. To avert this national calamity, the statesmen of those times turned to Chinese political philosophy for a solution, which we shall examine in another chapter. While relegating the study of these matters to the subsequent portion of this essay, one thing claims our immediate attention, that is, the effect of the Japanese relations

<sup>1</sup> See p. 80 above.



with Korea which resulted in creating some isolated institutions of non-patriarchal nature.

D. It must be remembered, however, that the operations in Korean expeditions were, as in all other military operations, started on the patriarchal principles, but they ended both in proving their futility and in establishing some things of an opposite character. In this discussion we must first of all distinguish between punitive envoys and punitive expeditions, for it appears that in a few instances some persons of rank without many troops under them were sent to Korea merely to investigate the cause of the delay of tribute.<sup>1</sup> Again, the expeditionary forces must be distinguished from the forces in the Japan sea garrisons stationed in Mimana, for the latter, by dwelling in that part of Korea where the country was the least peaceful, and by frequently acting together with the troops of changing allies, must have early lost much of their patriarchal organization. Finally, another important distinction should be made in the purely expeditionary forces themselves between the clan and group warriors and the warriors sent from Tsukushi in Kiushu. The latter have never been mentioned in this section, for they were created for defensive and offensive purposes solely in regard to Korea. In them, one will see somewhat clearly that a necessity arising from foreign intercourse had resulted in creating an institution in Japan which could otherwise hardly have been expected and which was essentially different in character from other military elements that existed before the Reform. Thus we have three topics before us: the Japanese garrisons in Korea, ordinary soldiers sent against her, and special forces from Tsukushi.

Before taking up these topics for discussion, a few words must be said about the comparative value, for this particular study, of the *Nihongi* and the *Kojiki*. Here is an example,

<sup>1</sup> N. Jingô 147 m4; Ôjin 73; Nintoku 717; 741 m3; 753.

perhaps the best example of how the authority of the *Kojiki* fails not only by the inadequacy of its accounts but by their nearly complete absence. After its account of the traditional Korean conquest by the Empress Jingô, it is almost altogether silent about the later relations of Japan with Korea. The story of the conquest itself and of the forces which are said to have accomplished it, as it appears either in the *Kojiki* or in the *Nihongi*, cannot, in the present state of historical knowledge, yet be intelligently analyzed. We only note the sudden growth of the relations with Korea immediately following that account. And it is to be regretted that the *Kojiki* is so reticent about them. We are entirely thrown upon the imperfect and at times highly colored accounts in the *Nihongi*.

(1.) The Japanese garrisons in Mimana. They were probably originated in the need of protecting Kudara and Mimana against the other two Korean kingdoms, and its specific origin may perhaps be found in the repeated and prolonged expeditions of Katsuragi-no-Sotsuhiko, which are said to have taken place during the reigns of Jingô and Ôjin.<sup>1</sup> To him is said to have been related Kibi, the Japanese governor-general in Mimana during the reign of the Emperor Yûriaku, when the mention of the office first occurs.<sup>2</sup> On their fathers' side, both these men belonged to important clans, which fact would make it conceivable that they may have started on their mission with their private warriors, whether clan or group or both. But with Kibi's forces there seem to have been some additional elements, for already in the year next to the last appointment we see the Japanese soldiers from the garrisons marching against Koma under the leadership of two other generals besides a Kibi,<sup>3</sup> who are not known to have

<sup>1</sup> N. Jingô 35 m2; 362; Ôjin 314; 316 m8; &c.

<sup>2</sup> N. Yûriaku 37.

<sup>3</sup> N. Yûriaku 38 m2. Kashiwade-no-Omi, descendant of Ihakamutsukari, and Naniwa-no-Kishi, perhaps a descendant of Isachi-no-Sukune.

been related to one another on the paternal side. This would lead us to think that the garrison forces were of a composite character, and this view may be confirmed by a later account. In 562, Japanese forces in Mimana made an unsuccessful expedition against Shiragi under the combined leadership of several nobles,<sup>1</sup> one of whom had the supreme command over others whose ancestral relations are not clear. Moreover, the commanding general was no longer a Kibi. Thus the garrisons were not only composed of men of various clans and groups, but also the leaders and forces changed from time to time. The change was, however, limited within a narrow range, for persons of the same family names are seen going back and forth between Korea and Japan.<sup>2</sup> Fresh expeditions reinforced the garrisons,<sup>3</sup> and hence the frequent changes of leaders. Successive heads of a certain number of clans and groups irregularly relieved one another according to the circumstances, and hence the limited sphere of the changes and frequent recurrence of a few family names.

We also see these troops fighting side by side with the soldiers of Kudara, as against those of Koma or Shiragi.<sup>4</sup> More frequently the generals of the garrisons are seen communicating with the enemies.<sup>5</sup> At any rate, the forces were almost always inadequate for their purposes,<sup>6</sup> and many an expedition from Japan might have otherwise been dispensed with. After Mimana was vanquished by Shiragi in 562, the garrisons must have disappeared and been never re-established.

<sup>1</sup> N. Kimmei y 23 m 7.

<sup>2</sup> The most important of these are Yamato-no-Atae and Yamato-no-Kuni-no-Miyatsuko, Kibi, Ki, Katsuragi, Hotsumi, i, Kish &c.

<sup>3</sup> E. g., Ōmi-no-Keno (N. Keitai yy 21-14).

<sup>4</sup> N. (Jingō y 49 m 3), Kimmei yy 2-5. Those in brackets are not strictly speaking, garrison forces.

<sup>5</sup> N. Jingō y 62.

<sup>6</sup> N. Keitai y 23 m 4.

(2.) Ordinary forces employed in the expeditions against Korea. That these consisted mainly of clans and groups may be surmised from the names of the generals, which distinctly indicate their headship over those organic units.<sup>1</sup> These name are, as it was stated in a preceding paragraph, rather limited in range, and this fact would seem to support a view that the families which could furnish military leaders could not have been very numerous. Again here appears a head of the sea-men.<sup>2</sup> Again, besides those families already referred to,<sup>3</sup> the branches or relations of the Mononobe, Ôtomo and Soga are conspicuous.<sup>4</sup> In this connection, the accounts of the composition of two abortive expeditions, one in 591 and the other in 602, are particularly interesting. In the former year, Ki the Sukune, the Omi of Kose, Kashiwade and Katsuragi, and Ôtomo the Muraji, "were appointed Generals. Taking with them the Omi and Muraji of the various clans (Uji) as Adjutant-Generals of the divisions of the army, they marched out in command of over 20,000 men, and stationed themselves in Tsukushi."<sup>5</sup> In 602, "the Prince Kume was appointed General for the invasion of Shiragi, and was granted the various Groups of the service of the gods, together with the Kuni-Miyatsuko (Local 'Servant') and the Tomo-Miyatsuko (Group 'Servant'), with<sup>6</sup> an army of 25,000 men."<sup>7</sup> It is hardly necessary to say that what is of particular interest to us in these two passages is not the reported size of the armies, but

<sup>1</sup> N. Jingô y49 m3; y62; Yûriaku y9 m3; y23 m4; Keitai y9 (?); Senkwa y2 m10; Kimmei y23 m8.

<sup>2</sup> N. Yûriaku y7.

<sup>3</sup> See p. 119 note 2 above.

<sup>4</sup> N. Jingô y5 m2, &c. (Sotsuhiko); Keitai y9; Senkwa y2 m10; y23 m8; Suiko y9 m3; y31.

<sup>5</sup> N. Sushun y4. Aston, II, 119.

<sup>6</sup> Aston abs "and" in place of "wi 卍." The original text has no conjunction, and "with" is the safer word, if the less responsible.

<sup>7</sup> N. Suiko y10 m2. Aston, II, 125-6.

their composition. It may be questioned whether they were really so comprehensive as is here stated, but the accounts may safely be taken as reflecting the extent of the furthest limits of the ordinary military resources of the Empire. The drain of imperialism of those days on the wealth and strength of the country must have been considerable. These two expeditions, however, miscarried for insignificant reasons.

Another account records a rather singular matter. Among the forces led by a Kibi in his march against Korea, during the reign of Yûriaku, there were a few hundreds of the Emishi, who, at the report of the decease of the Emperor, became so disorderly that they had to be punished with death.<sup>1</sup> How these northern folks were recruited and how organized is not known.

There are a few puzzling phrases in the *Nihongi* concerning the composition of the expeditionary forces, which we must leave much as we find them. It is stated that the Emperor Ôjin "gave choice soldiers" to the Sukune of Heguri and Ikuha,<sup>2</sup> and that Emperor Nintoku "gave soldiers" to a Kibi.<sup>3</sup> Ômi-no-Keno "led sixty thousand men;<sup>4</sup> an Ôtomo was instructed to "lead several tens of thousands of soldiers and attack Koma";<sup>5</sup> a Sakaibe and a Hotsumi were ordered to "lead over ten thousand men" to fight with Shiragi;<sup>6</sup> and, finally, a Sakaibe and a Nakatomi, as Generals, were to "lead several tens of thousands of men and chastise Shiragi."<sup>7</sup> How shall we construe the two words "give" and "lead," and especially the former? The contexts would seem to allow rather a small latitude between giving and leading, for the second would appear to be a result of the first, and also the giving of a body of troops might be based on the antecedent

<sup>1</sup> N. Yûriaku 723.

<sup>2</sup> N. Ôjin 716 *m*8.

<sup>3</sup> N. Nintoku 753.

<sup>4</sup> N. Keitai 721 *m*6.

<sup>5</sup> N. Kimmei 723 (562) *m*8.

<sup>6</sup> N. Suiko 78 (623) *m*2.

<sup>7</sup> N. Suiko 731 (623).

right of the recipient to lead it. Probably these accounts in the *Nihongi* may have been influenced by the conditions after the Reform, when all the soldiers belonged to the State and no one had an inherent right to lead them. On the other hand, we are almost tempted to think that the size, leadership and phraseology, of the expeditions, as they appear in these and some other cited passages,<sup>1</sup> seem to indicate a rather more advanced military organization than what we saw in many other cases, for, while on some other occasions<sup>2</sup> the troops may seem more comprehensive, they at the same time suggest smaller numbers and a more primitive organization. If the principle of fictitious tribal hierarchy obtained really less in the organization of these Korean expeditions, and the notion of appointment, selection and subordination prevailed more in it, than in ordinary operations of arms, we might perhaps infer that the result was mainly due to the effect of a long experience in dealing with the strong forces of a foreign land. Such a lesson, if true, must be considered as an extremely valuable one for the Japan of the seventh century, and also as a fair preparation toward the post-Reform organization of the State. But if the writers of the *Nihongi* returned to life and found us speculating on their sublimated language, they would probably smile.

(3.) The forces of Tsukushi. The reader will remember the importance of this region in general, which was discussed in connection with the rebellion of Iwai. It is unfortunately unknown to us how soon military forces began to be organized there, but the *Nihongi* states under the date 457 that five hundred soldiers were sent from Tsukushi in company of a new

<sup>1</sup> Particularly those of 591 and 602 cited on p. 120.

<sup>2</sup> E. g., in Soga's forces against Mononobe (p. 112) and the Reform Prince's against Soga (p. 115).



king of Kudara.<sup>1</sup> In the same year Achi the Omi and Mmakai the Omi of Tsukushi are seen "leading soldiers in ships and attacking Koma." In 512 forty horses from here were presented to a Korean king.<sup>2</sup> The rebellion of Iwai occurred in 527-8. In 537, two sons of the Great Muraji of Ôtomo were sent toward Korea, one of whom "stayed in Tsukushi, administered its government, and prepared to defend it against the three kingdoms of Korea."<sup>3</sup> A Korean Prince was accompanied home, in 556, by the "soldiers in ships of the Kuni of Tsukushi" led by Abe the Omi, Sacki the Muraji and Harima the Atae, and by "one thousand warriors" led by the Great Kimi of Tsukushi.<sup>4</sup> These fragmentary accounts seem to indicate that there resided in Tsukushi some local magnates of high ranks, and that there were some available military resources, which were for the use of the State for service in Korea. More important still, it is impossible to infer from these accounts that a hereditary governorship did exist in Tsukushi, or that its soldiers were organized in clans or groups. At any rate, we may safely say that Tsukushi was not probably controlled by a great clan-head, nor did its forces consist exclusively of his men. From these negative conclusions, it seems difficult to avoid the inference that the government and army of Tsukushi had somewhat emerged from the intermediaries of tribalism and come under a more direct control of the State. And this truly remarkable situation, we may say with a great deal of confidence, must have been caused by foreign relations. It is interesting to contemplate that some principles of the Reform, which was inspired by a Chinese example and effected by the central government, had, as a result of active experience, already been in practice in a remote corner of Kiushu.

<sup>1</sup> N. Yûriaku y23.

<sup>2</sup> N. Keitai y6 m4.

<sup>3</sup> N. Senkwa y2 m10.

<sup>4</sup> N. Kimmei y17 m1.

Let us now sum up the result of our reasoning which we have carried out in this long section. If we divide the pre-Reform period into two parts, it will be seen that, prior to about 500, nearly all the warriors that could be raised either for public or for private purposes consisted of the personal attendants of the leader and the members of his clan and group. The groups, in all probability, furnished the most important supply of military forces, not only because they numbered among them such warlike groups as those of the Kume and the Mononobe, but also because many a peaceful group, whether that of the Mountain-Keepers, of the Sea-men, or of the Mi-be, could be called upon to take up arms and fight for its chief. The chief knew the Emperor, but the group-men knew their hereditary chief better than they knew the whole State and its ministers. The vague notion of Imperial ownership, as against private use by the chief, could not always be enforced. Hence, according to the attitude of the chief himself, the entire character of his forces would change. If he served the cause of the State and the Emperor, they were very nearly public soldiers, but if he raised his arm against them, they were private ruffians. The same characteristic prevailed also after 500, although the positions of the individual groups greatly changed. Still the Mononobe and the Ôtomo families furnished great war lords, until the former was overthrown and the latter humbled by the ascendant Soga. Still the various groups served in arms when occasion called, under, however, a presumably more advanced organization than before. Two striking institutions, however, had come into existence, the one in the court and the other in the remote island of Kiushu, which seemed removed by several degrees from the prevailing quasi-tribal organization. They were the Guards and the Tsukushi soldiers. The latter indeed served in the rebellion of Iwai in 527, and the former, too, allowed themselves to be commanded by a Prince in 645,

but the essential character of each seems to have been more public than private, that is to say, more open to the direct supervision of the State, than were the warriors of the clan or the group. With these important exceptions, however, the predominant principle of military organization was, until the eve of the Reform, patriarchal, as will be seen from the following passage which we now quote for the third time:—The Prince in 645 killed a Soga and presently entered a Buddhist temple, “which he fortified and prepared to defend. The ‘Miko,’ ‘Kimi,’ ministers, ‘Omi,’ ‘Muraji,’ ‘Miyatsuko’ of the ‘Tomo’ and ‘Miyatsuko’ of the ‘Kuni,’ one and all followed him.”<sup>1</sup>

## CONCLUSION.

We shall now conclude this lengthy chapter by summarizing its contents and preparing the ground for the next chapters. It may be said, and must be admitted, too, that our conclusions are hardly more than a series of suppositions separated by wide gaps of thought. Yet, if our reasoning and presentation have not been unfair, the primary characteristic of the Japanese institutional life before 645 may be said to be found in its quasi-patriarchal principle. A pure patriarchy it was not, for the rule of the clan had already become lax. The Emishi,<sup>2</sup> Korean and Chinese blood had been reapedly and copiously infused into the Japanese vein, and the foreigners occupied high social and political positions in the Empire. But running all through the social structure the formative idea was a principle based upon and modelled after consanguinity.

<sup>1</sup> N. Kôgioku 74 m6. Aston, II. 192.

<sup>2</sup> N. Keikô 740.

Extremely ingenious fictions were invented, which had produced an effect of preserving the semblance of blood-tie, after it had lost its original purity, in the organization of the society, and, as we think, also of prolonging its life. Of all fictions, that of the quasi-clan, or group, was perhaps the most persistent and universal.

Without a positive proof as to where and how it had originated, we see it so thoroughly ingrained in the people's mind that the Emperor would continually create new groups, and the increased population would almost as a rule pass into this group or that according to the circumstances. It seems impossible to doubt that the heads, named in general 'servants,' of some groups, lived on the issue of their labor in time of peace, and armed them in war. These 'servants' mostly resided near the Imperial court, and the local government was entrusted to the 'servants' of the Kuni.

The reference to these last officers at once brings back a series of unanswerable questions. The relations, respectively, between the groups-'servant' and local servant, and between the local 'servant' and group-people in his locality, are extremely obscure. Not less so is the nature of the jurisdiction over his people of either the group or the local 'servant,' and especially the latter. One form of taxation, that of forced labor, was rendered, as the records show, both by the Kuni and by the group as unit. We infer, though with less ground, that 'mitsugi' (tribute) must sometimes have been similarly levied. On all these points, there is undoubtedly wide room for persevering researches.

Over the people were the clan heads, group heads and local magnates, and over and above these great men was the Emperor. A theory early developed itself, probably from the conquest of a small, isolated and sparsely inhabited country, that the throne belonged to the one reigning family, and that each and every thing within her limits was ultimately

under its ownership. The poets constantly called the Emperor "our great Sire knowing the eight corners,"<sup>1</sup> and the knowing had its technical meaning, as we have once said, of knowing the thing as his own. Presumably he alone had power to create groups and dispose of naturalized people, and his power could penetrate to the lowest ranks of the tribal hierarchy.

Such were the political claims of the Emperor so deftly elaborated and so persistently enforced, as we already saw, through Shinto. His powers would have been doubly augmented had Shinto been able to accord its religious sanction, not only to his right of government, but also to his moral guidance over the people. Neither the religion nor its High Priest was, however, in a position to assume such a spiritual control. This point shall be explained, as it has had the most important results in history. It may at once be seen that Shinto, being essentially a product of the primitive age, antedated the growth in the popular mind of the rational moral sense. What the cult considered sins were only partially rational, but still mainly ritual, for the smaller of its two classes of sins comprised infractions of agricultural rights, while the larger class embraced such offences as injuries to the living and the dead, incest, and sinning against the spirits of lower animals.<sup>2</sup> The Emperor was far from assuming control over the morals of the people, as the *norito* reflects perfect frankness of human frailty, of the Emperor and the people alike. He indeed performed twice yearly grand purification of the offences of all of his subjects, but it was purely ritual, and implied no repentance or remorse of sin, no regeneration

<sup>1</sup> 八隅知シ我が大君 Hitomaro, Akahito, the "laborer," &c., in the *Manyô-shû* (萬葉集).

<sup>2</sup> For the distinction between the 天ノ罪 and 國ノ神, see the prayer of purification. KT. XIII. 269.

or enlightenment, the sole motive being the fear of calamity consequent upon the offences. The heart should be chaste,<sup>1</sup> but once tainted it was not taught that it would go to perdition. Sin was pollution, ritually soiling the offender, and ritually to be cleansed. Hades was also non-moral; it was dark and filthy, a repertorium of all what was unsightly and undesirable, but it does not appear that the wicked dead alone were consigned to it, for even the Goddess Izanami turned thither simply under the pain of begetting a fire-god. It was not clear whither the spirits of the good people who died tended. Such an ambiguity could not have had a power of moral elevation. To be good or to be bad was a matter of personal choice guided by no imperative voice, for the doctrine of reward and punishment after death is evidently of a later origin. Nor were the more advanced beliefs of Shinto more moral. Being a national ancestor-worship, Shinto shared the essentially feeble moral character of all ancestral cults, for the divine authority of the objects of their worship cannot be purely moral, while, in addition, the Japanese religion was allied with the mundane interests of the reigning house. Under these circumstance, Shinto was, in its popular side, too law, and, in its official side, too secular, to be able to vest its High Priest, the Emperor, with the rule over the morals of the people. Its noblest mission could not rise higher than its enunciation of the theory of the Imperial succession.

This serious defect of Shinto has not been without a compensating feature. The Japanese dolmens have not been found to contain charms or amulets, and the Shinto rites are devoid of images and idols, mirrors alone being used as "spirit-substitute" (*tama-shiro*). The cult is as devoid of physical fetters as it was originally of moral sanction. It

<sup>1</sup> The famous poem by Sugawara-no-Michizane says that if the heart is sincere no prayer will be needed for its divine protection.



inculcates cleanness and chastity, and its organization and worship are characterized with such openness and simplicity that no powerful priestcraft could have found place in it.<sup>1</sup> If Shinto is not ethical, if its conception of future life is obscure, and if it lacks to excess the stern pessimistic side of the great religion, it reflects and develops the frankness, cheerfulness and practical common sense of the people, which strip superstitions of their grovelling nature, turn piety into mirth, and prevent excess and exaggeration. Virginity is prized, but celibacy is as unsanctioned as procreation is extolled. Shinto seldom offers an incentive to asceticism, nor is it a proselyting or persecuting religion. The national temperament that has produced this peculiar cult has also modified Buddhism when it was introduced into Japan. With such a people and such a religion, it is not strange that the ancient Emperors did not seclude their persons behind high walls of dignity and philosophy, but on the contrary laid bare to the public eye their passions and faults, for they were neither tyrants nor sages, but grown boys big with divine pretensions but otherwise as naïve as his people.

The absence of the moral assumption in the imperial control was strikingly illustrated at the coming of Buddhism from Korea in 552 A.D. The conduct of the Emperor at this important juncture revealed not the slightest proof that he considered himself the guardian of the morals of his subjects, or even that he looked in the new faith for any possibility of promoting their spiritual welfare. He seems to have been impressed by the two simple considerations, that the Buddhas were alleged to be capable of bestowing happiness upon those who housed them in temples and served them with proper

<sup>1</sup> The immense importance in history of this one feature need hardly be emphasized. In China, the same result has obtained from different causes. See Appendix.

rites, and that all the western countries, whose civilization was fascinating the Japanese, were said to have accepted Buddhism.<sup>1</sup> It will thus be seen that the argument which most appealed to the Emperor was partly utilitarian and partly exciting emulation. This state of things appears in perfect keeping with the conditions discussed in the preceding paragraphs. It is little wonder that the spirit of moral resistance did not rise in the Imperial mind against the Buddhist invasion. The attitude actually taken was one of favorable inclination with a touch of hesitation. The hesitation was reflected and magnified in the arguments of some of his ministers, who strenuously opposed the new religion. Whether hesitation or opposition, however, the reason was non-moral, for the controlling thought was the fear that the native gods would be offended, not because their moral influence would be challenged, but because their claims on the worshipful attention of the people would be impaired, by the admission of an alien creed as a State religion. Even this consideration loses much of its force when it is noted that its zealous advocates were not without strong political reasons for their conduct.<sup>2</sup> Under this uncertain state of thought, the Emperors and the people for many years wavered back and forth between the native and foreign cults, and the occasions for the vacillation were seldom other than pestilence and other natural calamities, which were interpreted as manifestations of the wrath, at one time, of the gods and, at another, of the Buddhas, according as to which had for the time been neglected. Although it should be remembered that at the first formal introduction of Buddhism, Japan had not yet awakened into a united national sentiment, so that her opposition lacked political force, our emphasis is placed upon the feeble moral resist-

<sup>1</sup> N. Kimméi *p*13 *m*10.

<sup>2</sup> See pp. 141-3 below.

ance of Shinto and its adherents against any new belief. Many centuries later, when Roman Catholicism came to Japan, it was countenanced so long as its ulterior designs were unsuspected, and then the persecution was almost solely based upon political grounds,<sup>1</sup> as had indeed the former toleration also been to some extent. This lack of the moral assumption of the ruler has, except in some political phraseology borrowed from China, characterized the entire history of Japan, until the new Constitution of 1889 has granted to the people freedom of conscience, the Emperor standing above all faiths considered as moral principles.<sup>2</sup> Herein lies a decided contrast between the

<sup>1</sup> This probably accounts for the fact that the persecution of Christianity in Japan increased in every step in severity and thoroughness. Within less than thirty years between 1586 and 1614, the policy of the feudal government changed from a mere control over propagation to its prohibition, and from the latter to the extermination of every Christian prestige in the land. Behind this rapid advance in persecution, it is seen that the political reasons for fearing the presence of the Christians had been becoming more and more real. The devices of torture and execution finally adopted in order to make the position of the Christian untenable and his martyrdom ignoble were shocking to the extreme. The government was probably determined that the extirpation of the Catholics should be accomplished, and it must be said that it was nearly done by the middle of the seventeenth century, when a large body of christians goaded to the rebellion at Shimabara had perished. What we emphasize here is the thoroughness of the policy of persecution, in contrast to which the Chinese persecution between 1706 and 1844 seems remarkably slow and half hearted. This difference appears to us significant in showing that, in China, the ground for persecution was the fact that the Catholics had defied the moral control of the ruler over his own people, while in Japan, where there had been no such moral assumption on the part of the government, the reasons for opposing Christianity were purely political. The moral reasons must be less tangible, real or direct, than the political. Circumstances in Japan were such that the political dangers coming from the Christian quarters grew sharper by degrees, so that, when the less severe measures had seemed only to lighten the perils, a policy of systematic extermination of Catholicism was instituted and carried out.

<sup>2</sup> His performance of the hereditary Shinto rites is ethnical, and lacks moral significance.

Japanese and Chinese political doctrine. As we shall see in a later chapter, the Chinese polity, being based on a powerful moral fiction, is incompatible with a policy of toleration toward on alien propagandism which assumes infallibility and whose acceptance by the people would undermine the foundation not only of the national education, but also of the power of all the officers and literates, as well as of the Son of Heaven himself.<sup>1</sup>

To return to the pre-Reform period. Upon it the effects of the want of the moral control of the Emperor have been momentous. Their full significance, however, can hardly be understood before the next two chapters are ended. Let it suffice here to indicate two of the most important points. First, had there existed in Japan a strong moral resistance against Buddhism on the part of the Emperor and the people at large,

His celebrated Educational Rescript of October, 1889, implies that Japan has from early times been bound together by moral ties, and exhorts himself and the people alike to virtue. It cannot be said to reflect any belief that the responsibility of maintaining the morals of the nation falls upon the Imperial person, and less that the Sovereign holds his throne by virtue of his ethical excellence. Moreover, the morals herein inculcated is, save the renewed assertion of the theory of the Imperial succession, eclectic in character and embraces Confucian, Buddhist, and Christian, as well as traditional native virtues. Even this much of the moral care of the Sovereign, still devoid as it is of exclusive moral dogmas of a purely natural character, has been made possible by the progress of history. It would have been extremely anachronic had the Rescript been issued in the pre-Reform days.

<sup>1</sup> It is remarkable that, in spite of the occasional persecution, the Chinese government has on the whole been tolerant of Buddhism, Islam, Nestorianism, and at first Jesuitism, in the sense of *recognizing* the faiths of their adherents. Toleration, however, in the sense of allowing the *propagation* of a religion which is itself intolerant of the Chinese morals is quite another matter. The Chinese policy of recognition has not always been consistent, but the toleration in the other sense has been uniformly repugnant to the government, which, were it free, would never reconcile itself to it. Propagandism has, however, been forced upon China by the foreign treaties concluded since 1858, and the result has been a continual conflict. Difficulties of such nature cannot exist in Japan.

Further see Appendix.

the influence and pretensions of the Soga family, who enlisted on their side the spiritual power of the alien faith, would not have grown so fast and so great as they did, and, consequently, the Reform would not have been precipitated in 645. Secondly, if the national life of Japan had been in possession of as potent a moral foundation as the political theory of the Imperial sovereignty, the institutions of the Reformed government could not have been so thoroughly been imitative as they were\* of the Chinese, nor the main objects of the blind copying, regardless as it was of the very moral basis of the Chinese State life, could have been so easily frustrated from inside as they were destined to be.

We shall now conclude this chapter by showing that while the moral power of the Emperor and the people was so sadly wanting, his *political* power itself upon which the security of the State seemed to depend, proved to be extremely insecure. Here must be drawn a clear distinction between the three factors constituting the entire question, namely, the theory of the succession to the throne, the sweeping powers claimed by the Emperor, and the apparently patriarchal organization of the State through which the theory had to be maintained and the powers exercised. The first two were discussed at length in the first section of this chapter, the remainder of which has been devoted to the analysis of the third. Let us now examine the logical relation of the three factors, and then determine which was the fundamental cause of the difficulty of the Imperial position.

A little reflection will show that the theory of the divine right of succession, which was declared the foundation of the powers claimed by the Emperor, was really not a theorem from which the latter were logically derived as corollaries. The first could be of little use without the second, for it was the philosophical justification of the latter which alone of the two

belonged to the domain of practical politics. The first, however, could justify the sovereign powers even if they did change their form. On the other hand, if the powers claimed were perfectly enforceable, they would not have needed the theoretical ground, for their existence did not depend upon it, but, on the contrary, if they were in any manner jeopardized, they would not unnaturally fall back upon the theory of the divine right, and, if they were to undergo any alteration, it was likely that the theory would not be affected by it, but continue to sanction the modified powers.

Turning to the relation between the first and the third factors, it is plainly seen that they could exist together so long as the theory was not rendered nugatory by the overshadowing influence to which some of the elements in the State organism might attain. Until this last contingency was realized, the two factors logically neither excluded each other nor depended one upon the other. Indeed, the theory of succession may exist with any variety of monarchical regimen.

The oft-mentioned one-tribe theory might be conveniently reconsidered in this connection. If the tribal hierarchy were in reality true and untainted by no fiction, the theory of the Imperial succession and the organism of the State would stand in a vital relation to each other, not because the latter would depend on the former, which is unnecessary, but because the former would form a crowning point of the latter. When the tribalism was no longer pure, however, and was only sustained by fictitious inventions, then the Emperor's divine right to the throne would not find itself safe to rely upon it. To go a step further, if things came to such a pass that the latter could preserve itself only by destroying the cumbrous patriarchy and reconstructing the State-organism on an entirely novel basis, then the one-tribe theory may be said to have died a natural death.

A conclusion of primary importance is reached when it is



said, as we are now prepared to say, that the fundamental difficulty of the pre-Reform Japan arose from the sharp contradiction the one against the other between the powers claimed by the Emperor and the actual quasi-tribal organization of the State. The two were not only, neither in origin nor in nature, necessary accompaniments of each other, but also destined to be mutually exclusive. The Emperor alone in theory owned land and people, and was identical with the State, but this authority was normally exercised only through the heads of the clan and group and the local servants. If these magnates grew formidable, they would successfully dispute the powers of the Emperor. This state of things, it will be noted, constitutes in general the means of restricting the royal power in a tribal nation. Japan could be no exception to the rule. The extensive powers of her Emperor could not be continuously exercised, so long as the ground principle of her social fabric remained tribal, without destroying its foundation. Nor could the great families indefinitely assert their freedom without coming directly in conflict with the reigning house. We have seen how the Emperor, in order to provide for his independent resources, created Groups and established *Miyake*, but they, too, had to be cast in the tribal mould. We shall see in the next chapter that the more serious difficulties which we have logically established in this section actually took place when, during the half century prior to 645 the few greatest clans which had been nearest to the person of the Emperor were after another humbled by one single family, until the latter absorbed all the machinery of the State in its hand and was about to overcome the Imperial authority itself.

This caused the Reform. Defined in the terms of the three political factors of ancient Japan, the Reform was a supreme effort of the theory of divine succession, which had been almost obliterated, to once more, assert itself by striking down the

tribal organism and substituting for it a new State modelled after a foreign example, and by converting the personal powers claimed and lost by the Emperor into public powers of the new State. We shall in the remaining chapters describe the actual history of what we have theoretically analyzed.

## CHAPTER II.

### EVENTS LEADING UP TO THE REFORM.

With all our imperfect understanding, it must be considered truly remarkable that the semblance of tribal organization was so long and so thoroughly carried out in the Japanese State before 645, as has been shown in the preceding chapter. It must always remain as a striking phenomenon in the history of mankind. No less remarkable is it, however, that, in a few years beginning with the memorable 645, this whole structure was all of a sudden transformed into that form of a State in which every citizen was in theory directly amenable to its uniform law and authority. It must be said here that there exists a long distance, which can be traversed only by inference, between the conditions of the pre-Reform period as recorded in the *Nihongi* and extremely sweeping character of the laws of the Reform. What the existing records tell us and what we propose to discuss in this chapter is almost entirely limited to the series of conditions which step by step led up to the crisis of 645. They will show us how it occurred, but will not explain as clearly why the great Reform had to follow that crisis. In other words, our information of the Pre-Reform age hardly goes beyond the happenings near the apex of the tribal hierarchy. As to its base, that is to say, the people at large, we are left in the dark. We see how the

evils of the State-system had been exaggerated by the ambition and rivalry of a few of the greatest clans, how aggravated by the combined force of religion and politics, and how the Imperial authority was in serious danger of being obliterated, but we are at a loss to know whether, although it is easy to imagine that, the entire system of local government, taxation and administration, had been paralyzed to such an extent as to require so thorough-going a reconstruction of the State as was effected within half a century after 645. It is true that the Nihongi has preserved for us some of the Imperial decrees<sup>1</sup> of the Reform era which point out in general terms the evils of the State-system that then existed, but it must be remembered that they, besides being vague in expression, have this serious consideration that they all emanated from the head of the new regime. He would naturally denounce the evils he would mend, would not stop to draw the other side of the picture, and, moreover, speak of these evils as if they were universal. Not that they were not universal, but that the decrees do not warrant us to say so. It is at any rate impossible to base upon these documents the opinion that those very evils had caused the Reform. On the contrary, the limited character of our information would lead us to surmise that the Reform was originally prompted, not so much by the need of the State, as by the self-preservation of the Emperor, whose position as the one central institution had been in imminent danger. At the background of the movement, so we may suppose, were the need of a more workable system for the army and administration, and a better method of meeting the advancing differentiation of offices and increasing expenditure of government, all of which were largely due to the relations with troublesome Korea and also

<sup>1</sup> The more important passages will be quoted in the fourth chapter. See Appendix.

to contact with China whose higher culture excited in Japan a spirit of emulation. In this manner the Reform, once started, rolled from the Emperor to the State, from Yamato to all of Japan. Such is our working hypothesis, whose validity, however, we have little means to test. We shall now turn to the story of the circumstances which culminated in the downfall of the Soga family in 645.

It is curious that the picture which the *Kojiki* gives of the government of the mythological age is, as we have seen, rather democratic. When the Imperial Ancestress shunned the sight of her impetuous brother and retired behind the door, "the eight hundred myriad Deities assembled in a divine assembly" to discuss the situation and to induce the Goddess again into light.<sup>1</sup> When it was done, again "the eight hundred myriad Deities took counsel together" and decided on a punishment to be imposed on her brother.<sup>2</sup> In these two assemblies, as Motowori points out,<sup>3</sup> it is not stated who called them together. Some long space of time after this, the August Grandchild was about to descend from Heaven, but, finding the country under strong control of the children of the exiled brother, "the Deity Takamimusubi, by order of the Goddess Amaterasu, assembled in a divine assembly eight hundred myriad Deities "to discuss whom to send down to subdue the land<sup>4</sup> and prepare it for the divine descent.

No matter whether these accounts may be taken as traditions of the counsel of the entire population of the so-called heavenly region, the appearance of the war lord—the first Emperor—and his conquest seem to have changed the conditions, without, however, much changing the primitive

<sup>1</sup> K. I. Cham, 54.

<sup>2</sup> Ibid. Cham, 59.

<sup>3</sup> *Kojikiden*, VIII, 22, IX, 1.

<sup>4</sup> K. I. Cham, 93. His tr. is not here as faithful as usual.

simplicity of government. No longer do we meet an assembly of the people.<sup>1</sup> Jimmu planned his expedition with his brother<sup>2</sup> and consulted Ôkume on the choice of an Empress.<sup>3</sup> Indeed the *Nihongi* uses the word "ministers"<sup>4</sup> in a true Chinese fashion, but in every case the Emperor is represented as communicating his decisions to them which he had himself already reached. In only one instance he is seen assembling the "Princes, ministers, and the eighty *tomo*," but the occasion was rather for the performance of a religious rite than for deliberation on a State action to be taken.<sup>5</sup> In no case, no matter how important, would either of our authorities hint that any sort of assembly was called together for discussion or consultation. The Emperor may have consulted the Princes and ministers on some of his important acts, but it does not appear that even so many as all the *tomo*-Miyatsuko resident near him were convened for a like purpose.

Then who were these favored ministers? The *Nihongi* records a decree of the Emperor Suinin which he pronounced to the five ministers, who were ancestors of the Omi of *Abe* and *Wani* and the Muraji of *Nakatomi*, *Mononobe* and *Ôtomo*.<sup>6</sup> Neither the substance of the decree nor its authenticity shall detain us here, and it would be hardly worth while to determine how soon these five families or their ancestors began to take part in the central government of Yamato. Let it suffice to say that henceforth these names persistently reappear in connection with the person of the Emperor. Again, we do not know why two of them were given the little

<sup>1</sup> See pp. 39 above.

<sup>2</sup> K. II.

<sup>3</sup> K. II.

<sup>4</sup> 群臣 or 群卿. N. Sujin 74, 710 m7, 728, 732; Chûai 71 m11; &c.

<sup>5</sup> N. Sujin 77 m8.

<sup>6</sup> N. Suinin 725 m2. Aston, I. 175.

of Omi and the others that of the Muraji, but the records show us from whom these various families were descended. The Abe were children of a son of the Emperor Kôgen; the Wani, of a son of the Emperor Kôshô; the Nakatomi, of Ameno-Taneko; the Mononobe, of Nigihayabi; and the Ôtomo, of Michi-no-Omi. Of these, the last three persons had served the first Emperor, and were of the same great tribe to which the Imperial family itself belonged. Another Important house, that of the Kimi of *Miwa*, issued from the Deity Ômononushi of the Izumo branch.

It is well known to us that of these six large families which have been enumerated, those of Mononobe and Ôtomo were particularly noted for their military leadership. The Nakatomi had charge over religious rites of the State. The other three families are not known to have been so well identified with any particular forms of public service.

It must be considered a momentous change, full of consequences, that the name of Takeshiuchi was added to the list of the great men of the Court. Descending from a son of the Emperor Kôgen and related to the Ki and the Mononobe, this man of unusual ability is said to have fast risen in power, until he became the chief minister of Emperor Seimu.<sup>1</sup> Tradition attributes to him a very great share in the Korean expedition and the subsequent regency of the Empress Jingô. He also served under Ôjin and Nintoku. The Empress of the latter was his granddaughter. This was indeed the first instance of an Imperial marriage contracted outside of the Imperial family. This precedent was cited many generations later, early in the eighth century, to justify the making of an Empress of a Fujiwara lady. Takeshiuch's family branched into the houses of the Heguri, Katsuragi, Hata, Soga and others, and furnished many a general, statesman, and Imperial

<sup>1</sup> Both K. and N. agree in this.



consort. The title Great Muraji first appears in the reign of Suinin, and that of Great Omi, under Richû.<sup>1</sup> The former belonged either to a Mononobe or to an Ôtomo, but the latter exclusively to a descendant of Takeshiuchi. Henceforth a Great Omi and one or two Great Muraji are mentioned side by side during the reign of nearly every Emperor, as his two chief ministers. While the Takeshiuchi were not always in the ascendant,<sup>2</sup> their influence at no time seems to have been less than that of any one of their rival families.<sup>3</sup> The wholesale murder of the Princes at the assassination of Ankô probably cleared the ground for a freer competition between the heads of the great families, while the incidental fall of one of the several branches of the Takeshiuchi may have helped to unify their aggressive power.<sup>4</sup> We hold that the Imperial authority began very early to suffer through the rivalry of the clans, for by the time when Ingiô came to the throne, the ministers had assumed the right to select the Imperial heir in default of a nomination by the preceding Emperor.<sup>5</sup> Even the existence of the latter was not always a safeguard against their interference, for at Ingiô's death they left the Prince whom he had declared to be his heir and went to another.<sup>6</sup> An interregnum was almost always an occasion for troubles of this sort.<sup>7</sup>

One result of the introduction of Buddhism from Korea was greatly to enhance the difficulty in the Court. The King of

<sup>1</sup> N. Suinin 726; Richû 72.

<sup>2</sup> During the reigns of Ingiô, Ankô, and Yûriaku, for instance, their influence seems to have somewhat waned, while the Ôtomo enjoyed a greater Imperial confidence.

<sup>3</sup> N. Yûriaku, begin.

<sup>4</sup> Ibid. and Muretsu, begin. That the struggle was not always between the Soga on the one side and other families on the other may be judged from the incident related in N. Kimmei 71 *mg.*

<sup>5</sup> N. Ingiô, begin.

<sup>6</sup> N. Ankô, begin.

<sup>7</sup> E. g., after the deaths of Muretsu, Ankan, Sushun and Suiko.

Kudara, after a long prayer<sup>1</sup> for the success of his mission, sent to Japan in 552<sup>2</sup> a sacred image and a few rolls of Buddhistic texts.<sup>3</sup> The Emperor, enamored of the flattering words of the envoy, consulted his ministers on the advisability of accepting the new religion. Mononobe, descendant of a Deity who was one of the objects of worship in the national cult, and Nakatomi, whose hereditary profession was to perform rites between men and gods, strenuously opposed Buddhism, but Soga said that Japan should not reject what all western nations worshipped. During the bitter struggles that ensued, the Soga family held to their new faith, and withal implanted their power in the Imperial house, where their relatives enjoyed great influence. Buddhism found its way into the Palace, of which the Soga were considered champions. Some members of the Imperial household favored it, while others loathed it, and thus religious contention easily passed into political strifes. The stories of the fall of the Miwa and the Mononobe<sup>4</sup> need not be retold here. In 587, an Ôtomo is already seen defending the gate of the Soga's house.<sup>5</sup> About this time, the celebrated and truly enigmatic Prince Mmayado began to exert a great influence in the Court. He was of one mind with the Soga in his zeal to propagate the new faith, but his relations to them in other respects still remain largely unknown. It is not recorded what an impression was made upon the Prince and every other person in the court by the astonishing event that Soga-no-Mmako ordered the assassination of the Emperor Sushun and then killed the assassin, in 592.<sup>6</sup> The Next Empress was a Soga, as was the murdered

<sup>1</sup> N. Kimmei y6 m9.

<sup>2</sup> Ibid. y13 m10.

<sup>3</sup> For the moral side of this mission, see pp. 129-132 above.

<sup>4</sup> See pp. 109-110 and 111-2.

<sup>5</sup> N. Yômei y2.

<sup>6</sup> N. Sushun y5.

Emperor. The power of the Soga grew apace; at Mmako's illness in 614, one thousand men and women turned priests and priestesses to pray for his recovery.<sup>1</sup> In 624, he tried, though without success, to hold in his possession an estate which had exclusively belonged to the reigning Sovereign.<sup>2</sup> New Buddhist priests from Korea and China continually arrived,<sup>3</sup> and, with them, knowledge of Chinese law and custom and the decorative arts connected with Buddhism. In 624 there were 46 Buddhist temples, 816 priests and 569 priestesses.<sup>4</sup>

We may well imagine that, around Yamato, the age must have been full of wonders and excitement, both in physical and intellectual ways. On the one hand, there was a rapid succession of violent changes of fortune, steadily pointing toward the absorption of all earthly powers into the hands of one great family. On the other hand, there loomed up novel but, as they must have been, fascinating buildings, with their wonderful decorations and strangely attired denizens. At the same time, advancing arts and luxury must have gone on hand in hand with a fast increasing expenditure of the State. The cost of living around the Capital may have risen, organization of the government may have advanced. Behind this almost unnatural state of things, the constant troubles in Korea must have weighed heavily on the minds of the patriots. Nor was this all. Many noble families chafed under the oppression of the Soga, with nowhere to appeal to, and among them the Imperial family was not the least sufferer.

In 628, again, at the death of the Empress Suiko, an accute rupture came near taking place between two Princes and

<sup>1</sup> N. Suiko *y*22.

<sup>2</sup> N. Suiko *y*32 *m*10.

<sup>3</sup> N. Sushun *y*1; Suiko *y*3, *y*10 *m*10, *y*17, *y*18, *y*24 *m*7, *y*31 *m*7; Jomei *y*4 *m*8, *y*11, *y*12, &c.

<sup>4</sup> N. Suiko *y*32.

a few nobles. It, however, ended in the death of a few opponents of the Soga.<sup>1</sup>

It was under the Empress Kôgioku that the abuses of power by the Soga reached their limits. In 642 "the Omi of Soga, Emishi, was made Great Omi as before. The Great Omi's son, Iruka, took into his own hands the reins of government, and his power was greater than his father's."<sup>2</sup> In the same year the Soga began openly to encroach upon Imperial authority. The elder Soga erected his own ancestral temple, and performed an eight-row dance, which in Chinese ritualism was limited to the Imperial rank. "He levied all the people of the land and the 180 *tomo*," and constructed two tombs in preparation for his and his son's death, and called them Imperial tombs. Moreover, he employed in forced labor the people of the Mi-group of the late Prince Mmayado, and slew the latter's daughter when she gave expression to her uneasy feeling.<sup>3</sup> Late in the next year, 643, the elder Soga was ill, and, "on his own private authority, granted his son Iruka a purple cap, which made him rank, as it were, with the Great Omi. He also called the younger brother (of Iruka) Mononobe the Great Omi. The great Omi's grandmother was a younger sister of the Great Muraji Mononobe-no-Yugehi. Therefore, by reason of his mother's property, he acquired an influential position in the world."<sup>4</sup> Then followed the downfall of Prince Yamashiro-no-Ôye, which we related near the end of the last chapter.<sup>5</sup>

In 644 the Soga built two houses which they called Palace-Gates. "Their sons and daughters were styled Princes and

<sup>1</sup> N. Jomei, beginning.

<sup>2</sup> N. Kôgioku 71. Aston, II, 171.

<sup>3</sup> Ibid. Aston, II, 178.

<sup>4</sup> N. Kôgioku 72 110. Aston II, 181.

<sup>5</sup> See pp. 113-4 above.

Princesses. Outside the houses palisades were constructed, and an armory was erected by the gate. At each gate there was set a tank for water, and several tens of wooden hooks as a provision in case of fire. Stout fellows were constantly employed to guard the houses, with arms in their hands." "Moreover, he the Great Omi built a house on the east side of Mount Unebi and dug a pond, so as to make of it a castle. He erected an armory, and provided store of arrows. In his goings out and comings in he was always surrounded by an attendant company of fifty soldiers. These sturdy fellows were called the Eastern Company. The people of the various Uji clans came to his gate, and waited upon him. He called hims If their father, and them his boys. The Aya the Atae attended wholly upon the two houses.<sup>1</sup>

The Empress, herself a Soga, seems to have condoned all this. The Soga, however, at the zenith of their glory, did not know that a storm was gathering over their heads. A faction was being formed under the leadership of perhaps the two greatest men of the age: Prince Naka-no-Oye and Nakatomi-no-Kamako the Muraji later, Fujiwara-no-Kamataru. Nakatomi, it will be remembered, had hereditary charge of the rites of the national religion, and hence his interest was antagonistic to that of the Soga, who were thoroughly identified with the cause of Buddhism. It does not belong to this paper to discuss how disinterested he was in his motive, but it would be hard to establish the complete absence of his personal ambition. It could not, however, have risen to such a height as his descendants, the Fujiwara, came actually to reach.

The *Nihongi* has an interesting account of the formation of the faction and its developement. In 644, "Nakatomi-no-Kamako the Muraji was appointed Chief of the religion of the

<sup>1</sup> N. Kôgioku 73 m11. Aston, II, 189—190. The passage has before been quoted at length on page 114.

Gods. He declined the appointment several times, and would not take it up. On the plea of ill-health he went away and lived at Mishima. At this time Prince Karu [brother of the reigning Empress] had an ailment of the leg which prevented him from coming to Court. Now Nakatomi-no-Kamako the Muraji had before this a friendship for Prince Karu, and therefore went to his Palace to spend the night in attendance on him. Prince Karu, knowing well that Nakatomi-no-Kamako the Muraji was a man of exalted sentiments and of bearing which made rudeness to him impossible, sent his favorite consort, a lady of the Abe house, to sweep out a separate room and to spread high a new sleeping-mat. There was nothing which was not provided for him, and the respect shown him was extraordinary. Nakatomi-no-Kamako the Muraji was very sensible of his reception, and addressed the *toneri*, saying:— 'I have been treated with a special kindness which exceeds all that I had expected. Who would not make him Ruler over the Empire?' The *toneri* accordingly reported to the Prince what he had said. The Prince was greatly pleased.

"Nakatomi-no-Kamako the Muraji was a man of an upright and loyal character and had a desire of reform.<sup>1</sup> He was indignant with Soga-no-Iruka for breaking down the order of Prince and Subject,<sup>2</sup> of Senior and Junior, and cherishing veiled designs upon the State. One after another he associated with the Princes of the Imperial line, trying them in order to discover a wise ruler who might accomplish a great success.<sup>3</sup> He had accordingly fixed his mind on Naka-no-Ôye, but for want of intimate relations with him he had been for so far unable to unfold his inner sentiments. Happening to be one of a football party in which Naka-no-Ôye played at the foot of the *kayeki* tree of the Temple Hôkô,<sup>4</sup> he observed the (Prince's) leathern shoe fall off with the ball. Placing it on the palm of his hand, he

1.2 3 & 4 Aston's translation is slightly altered.



knelt before the Prince and humbly offered it to him. Nakanô-Ôye in his turn knelt down and respectfully received it. From this time they became mutual friends, and told each other all their thoughts. There was no longer any concealment between them. They feared, however, that jealous suspicions might be caused by their frequent meetings, and they both took in their hands yellow rolls [i.e. Chinese books], and studied personally the doctrines of Chow and Confucius with the learned teacher of Minabuchi (probably Sha-an of Minabuchi, a Chinese by descent, who was one of the students sent to China in 608).<sup>1</sup> Thus they at length while on their way there and back, walking shoulder to shoulder, secretly prepared their plan. On all points they were agreed." Kamako then advised him to secure the support of Soga-no-Kurayamada-no-Marô by marrying his daughter, which was accordingly done. He also recommended to their Prince a Saeki and a Katsuragi.<sup>2</sup>

This account was written almost three quarters of a century after the events. There is proof that it was copied from some older records,<sup>3</sup> which it perhaps also embellished. Hence we cannot implicitly rely on its detail. But its main features,—the agreement of Kamako with Prince Karu, his choice of Prince Nakanô-Ôye as the most statesmanlike personage, their study of Chinese classics and their consultations, and their connection with a few strong men who had likewise been disaffected with the Soga,—are not only interesting but also highly significant.

We need not repeat here what we described in the last chapter, namely, the successful overthrow of the Soga family by the reformers, and about the latter rallying to their side nearly all the court and all the nobility.<sup>4</sup> The Empress had

<sup>1</sup> N. Suiko y16 m4.

<sup>2</sup> N. Kôgioku y3 m1. Aston, II. 134-6.

<sup>3</sup> See the phrase 曰云々 as the end of the account.

<sup>4</sup> See. pp. 115 above

probably been ignorant of the plot, of which, when executed in her presence, she neither approved nor disapproved. Soon afterwards, however, she intimated her desire of abdicating the throne in favor of Prince Naka-no-Ôye, but Kamako naturally advised the latter not to pass over his elder, Prince Karu, with whom Kamako had made a pledge, as will be remembered.

Thus the Reform Prince stood behind the scene. He, the Emperor, Kamako, and other statesmen, then set about drawing the plan of an exhaustive reconstruction of the State-system on an entirely new principle. In its fundamental features, the Reform proceeded on a distinctly Chinese idea, while in many details some native institutions were modified in various degrees and others were preserved much as they were. It will be the object of the next chapter to discuss the nature of Chinese political philosophy. Before that, however, a brief survey shall be made as to what opportunities there had existed before 645 of learning in Japan the law and custom of China.

We need not dwell upon the earlier communications of Japan with different parts of China,<sup>1</sup> nor upon those with wu,<sup>2</sup> for although thence, especially from the latter country, the arts of sewing and weaving, perhaps as well as some other arts, were introduced into Japan, the knowledge of Chinese law and politics does not seem to have been transmitted with them. The refugees of the fallen empire of Ts'in, however, must be considered differently, and also the naturalized folks of Han, as well as of the kingdoms of Korea. It is impossible to tell how many of them did come across, but in 471, it is said, the people of Ts'in and Han, who had been scattered in many places, were organized into groups and placed under the control of their

<sup>1</sup> N. Jingô 7739, 40, 43, 66. *倭書云 高麗王 遣使 貢 金 馬 鞍 等 物*

<sup>2</sup> N. Ojin 7737, 41; Nintoku 758 m10; Yûriaku 78 m2.

elders,<sup>1</sup> and, in 540, those of Tsin alone numbered 7,053 families.<sup>2</sup> Among them must have been men of learning and of executive ability, for secretaries for the government (*Fumi-hito*),<sup>3</sup> chiefs of the treasury (*Ôkura-no-Tsukasa*),<sup>4</sup> and ambassadors to war,<sup>5</sup> seem to have been appointed from among them. Besides, men of Chinese descent were frequently seen around the Emperor and his ministers.<sup>6</sup>

With the introduction of Buddhism must the higher learning of China have found its way into Japan more than ever before, for although the priests that continually came from Korea and those who were sent thither were devoted to the learning and propagation of the new religion, it seems to have been the practice from old times to regard no Buddhistic learning complete without a mastery of Chinese classics. The latter, as is well known, is in substance as political as ethical. Thus we read in the *Nihongi* that the sage Prince studied under a Korean priest who arrived in 595.<sup>7</sup> The same Prince wrote the celebrated "Constitution" of 604,<sup>8</sup> which, as we shall see later, while extolling the virtues of Buddhism, foreshadowed the Reform by inculcating some of the fundamental principles of Chinese political philosophy.

It was probably under the influence of these inspiring circumstances, that, beginning with 607, and before the Reform, there were four embassies<sup>9</sup> sent from Japan now directly to the great Empires of Sui and Tang which succeeded one another. The change of the Chinese Dynasties occurred in 618, and the

<sup>1</sup> N. Yûriaku y15.

<sup>2</sup> Kimmei y1 m7.

<sup>3</sup> Yûriaku y2 m10.

<sup>4</sup> Kimmei, begin.

<sup>5</sup> Yûriaku y8 m2, y12, m4, &c.

<sup>6</sup> N. Yûriaku y12 m10, Bitatsu y13 m9, Yômai y2, Sushun y5, Suiko y11 m11, y13 y14, &c.

<sup>7</sup> N. Suiko y3.

<sup>8</sup> Ibid. y12 m4.

<sup>9</sup> N. Suiko y15(607)m7. y16(608) m9, y22(614) m6, Jomei y2(630)m8.

elaborate administrative system of T'ang government, which improved on the centralized organization of Sui, was defined between 624 and 627. The political atmosphere of the time must have been animating alike in China and in Japan, and the example of the former must have been inspiring to the statesmen in the latter. "The Land of Great T'ang," to use the remark that some Korean priests made at the Japanese Court in 623, "was an admirable country, whose laws were complete and fixed. Constant communication should be kept up with it."<sup>1</sup> Students were sent from Japan to T'ang in 608,<sup>2</sup> who must have returned some time after 623,<sup>3</sup> and it was probably from one of them that Prince Naka-no-Ôye and Kamako are said to have received their instruction in Chinese literature. This is not to say, however, that the knowledge of the Reformers must have stopped short of the new machinery of the T'ang government, for the last Japanese embassy to China before the Reform was sent in 630 and was accompanied on its return in 632 by a Chinese ambassador in 632.

## CHAPTER III.

### POLITICAL DOCTRINE OF CHINA.

The object of this chapter is to point out some of what may be considered the cardinal principles that had regulated the political evolution of China down to the foundation of the T'ang

<sup>1</sup> N. Suiko y31 m7. Aston, II, 150.

<sup>2</sup> N. Suiko y16 m4.

<sup>3</sup> Ibid. y31 m7.

dynasty, which took place a little before the time of the Japanese Reform. In discussing such a great subject in a limited space, it would seem impossible to follow the same method of research and of presentation as in the rest of the essay. Not only have we been unable to master all the enormous literature of China written during the period, but also our manner of discussion in the present chapter must needs be general in character and perhaps somewhat dogmatic in appearance. The conclusions that we have in the main independently reached and that we here present must, from their nature, be corrected and recast by superior research and understanding.

The student of the history of the Chinese people is forcibly struck by the extraordinarily early formulation of their political doctrine, and, what is more, by its steadfast persistence in history in spite of revolutions. These features were probably in part due to the great antiquity of the culture of China, and to her almost complete isolation and freedom from the influence of any foreign civilization of superior or even equal standing to her own, which freedom tended to make her general culture so remarkably coherent and sufficient unto itself as is today well-known to the world.<sup>1</sup> The *Shu King*, (Classic of Records 書經),

<sup>1</sup> How this ancient and unique civilization has bred in the Chinese mind the conviction that China was the central State of the world and that all other countries were either dependent on or tributary to her, many be well seen in the letters addressed by Emperor Kien-lung to George III. of England in 1793, when Lord Macartney had been sent by the latter to Peking as an envoy. See E. H. Parker's translation in the *Nineteenth Century*, July, 1896, pp. 45—55. Indeed all the modern relations of China with Europe may be said to be a history of the struggle between two diagonally opposite points of view, namely, the European sense of superiority expressed in the legal assertion of the equal rights of sovereign States and enforced by power of arms, and the Chinese notion of Central State (中國), or, at least, the self-sufficiency of her civilization which, in the opinion of the Chinese, stands in no need of foreign intercourse, trade, or religion. It is precisely this Chinese conviction which incites some European jurists to aver that China is not properly in the family of nations and not a subject of inter-

whose contents are believed to be authentic and contemporary from at least the twentieth century B.C., and which was abundantly quoted and perhaps also edited by Confucius a century after the date of its last document, may be said to contain most of the fundamental principles that the Chinese politics has ever produced,<sup>1</sup> as well as nearly all the germs of their future development. Remarkable was that development in time, but owing to some inherent causes it could but run in a certain direction and soon again be crystallized, so that by the time when Japan turned to the polity of China to draw thence elixir for her regeneration it had already seen some of its best days. Indeed its evolution to T'ang may be safely said to be, so far as its principles and their operation were concerned, more than three-fourths of its entire history down to the present dynasty. This evolution may be divided into two distinct stages: the one to the fall of Chow, and the other from thence to the rise of T'ang. In the former of these two periods the succeeding dynasties were struggling against decentralizing forces, and in the opening of the latter a drastic remedy against the evil was inaugurated by the First Emperor, which after repeated failures culminated in the grand centralization of T'ang early in the seventh century.

national law. See, for example, Dr. Jellinek's article in the *American Law Review*, vol. 35, no. 1 (Jan.-Feb., 1901).

<sup>1</sup> "Shun-Chi, the founder of the [present] Imperial family, in the tenth year of his reign, visited the Inner Hall of the Hanlin, for the purpose of inspecting the translation [into Manchu] of the Five Classics. On this occasion His Majesty said, 'The virtues of Heaven and the true method of government are all recorded in the *Shu King*; its principles will remain unaltered for ten thousand generations!'" From the Book I. of the *Memoirs of the Hanlin* (1644-1801), as translated and quoted by Martin. See his *Core of Cathay*, 362.



## I. TO THE FALL OF CHOW.

From the earliest times of which there is any record China had two distinct layers of political formation, the princes (諸侯) and the people 民. The vast territory<sup>1</sup> along the Ho was parcelled into changing principalities which were seen, already in the oldest traditions, warring against one another for existence and for supremacy.<sup>2</sup> Below them there was an increasing population a majority of which had early reached the agricultural stage of life.<sup>3</sup> The fortune of the princes seemed to be as evanescent as the life of the people was immutable. The former continually fought one against another, while the latter constantly gravitated toward peace.

The enormous extent and antiquity of the country had early made the perpetuation of a tribal form of State-system impossible, if it had ever existed.<sup>1</sup> While an extensive tribal tie of society had thus been broken, the family, on the other hand, was, as it still is, the strongest and most reliable unit of social organization. The spirit of ancestor-worship in its simple terms controlled the lives of the people, the sovereign and the peasant alike, in spite of their vast difference in all other relations of life. Domestic virtue was the most prized of all virtues, and peace around the hearth was the first wish of the society.

<sup>1</sup> It has been assumed, probably with truth, that the earliest home of the immigrant Chinese ancestors must have been along the valley of the old Yellow River. (Cf. historical maps in F. von Richthofen's *China*, Bd.I.) Though this is a fraction of the present China Proper, its extent was many times as large as that of ancient Japan. Again, the early traditions of Chinese history lead us to suppose that this territory was occupied only gradually and by successive waves of immigration. Such a patriarchal organization of society as existed in Japan was not to develop in China.

<sup>2</sup> The number of the princes is stated differently, as we shall see, later on, at different periods of Chinese history. Cf. the phrases, "800 princes," "3000 princes," "10000 states," &c.

<sup>3</sup> Remember the traditions of Shin-nung (神農).

One needs not be reminded that herein lie some of the most important differences between the politics of China and Japan. The latter's small territory, single reigning family, and tribal organization of the State, may point by point be contrasted to the continental dimensions, warring princes, and free competition of force among them over peace-loving people, of the former. This difference alone could have produced in the two countries lines of political evolution widely different one from the other.

The Chinese King, whether rising from among the princes or from popular ranks, had the double task of controlling the princes and governing the people.<sup>1</sup> The people, however, being the common object of care both of the King and of the prince, and being vastly more constant than any other political factor, had early become the centre of gravity of all political forces.<sup>2</sup> The people lived in the main on agriculture, which required peace and order, and their order was maintained by their family ties. Thus the peace and happiness of the homes of plain ancestor-worshipping peasants had come to color the entire political philosophy of China. The sage King Yao "endeared the nine classes of his kindred, who became harmonious. He then tranquillized the people (of his domain), and they became intelligent. He harmonized the myriad

<sup>1</sup> We need not here enlarge upon, but should not forget the existence of, a third factor of Chinese politics which has been responsible for the growth of many an institution and for an important portion of Chinese history. We refer to the outside "barbarians," from the Tartars, whose various branches have frequently conquered and ruled over China, to the modern Christian nations of the West, whose aggressions are not the most easily resisted.

<sup>2</sup> T'ang dit : "Voici mes paroles : Les hommes regardent dans l'eau pour savoir si le gouvernement est bon ou non," I Yin dit : "Cela est sage ! si cette parole peut être écoutée, alors la bonne conduite sera près d'être atteinte. Celui qui règne sur l'état le peuple comme son fils ; le principe de tout ce qui se fait d'excellent se trouve dans le roi et les officiers. Faites tous vos efforts ! Faites tous vos efforts !" *Shiki* (史記) III. (Tr. by Chavannes, I. 177.) (Édouard Chavannes, "*Les Mémoires Historiques de Se-Ma Ts'ien*," 2 vols. Paris, 1895.)

states; and so the black-haired people were transformed. The result was universal concord.”<sup>1</sup> Be good to your own family, to the people of your domain, and then the princes will be submissive, and there will be a universal peace among the black-haired people of the Kingdom.

How then may a king succeed in dealing at the same time with his family, the people of his domain, the “myriad” princes, and the people of the whole country? The answer to this question must be considered as characteristically Chinese. In “virtue” (德), and in virtue alone, the earliest thinkers of China found the underlying principle that would apply with the greatest of success to all political relations. Again, the test of virtue was the attitude of the people,—the people whose eternal desire was peace and contentment in their farms and before their ancestral spirits.<sup>2</sup> The possessor of such virtues as would insure them order and prosperity would also be a good house-father, good prince or good King.<sup>3</sup>

These virtues were not the virtue in the abstract, but such ones as would, on the one hand, be most consistent with an agricultural community with the family as its unit and centre, and, on the other, command the respect and win the devotion of the competing princes. This logic is obvious in the traditional five relations of social order (五教), namely, between

<sup>1</sup> *Shu King* (書經) I-i-l. Legge with alterations. Cf. *Shi King* (詩經) III-iii-l, II viii-9. Again see the account in *Shiki* III. of reign of King Li of Chow.

<sup>2</sup> It has often been pointed out by scholars that the most pathetic odes obtain in the *Shi King* when wars and expeditions force the members of the family to separate.

<sup>3</sup> Hence at a calamity or disaster the sovereign is accustomed to say that his want of virtue was its cause. A customary but interesting phrase occurs in the letter of the Emperor of China to the Emperor of Japan, in which the former regrets the murder of a Chancellor of the Japanese Legation in Peking, which was committed by the Boxers in June, 1900. “I was deficient in virtue,” says His Majesty, “could not prevent what was to happen, and thus caused an officer of a friendly country to be slain.” This sort of platitudes is as common in China and Korea as was at one time the phraseology of freedom and liberty in some Western countries.

prince and subject, parent and child, husband and wife, between brothers, and between friends, and also in the famous teachings concerning *li* (禮)<sup>1</sup> and music (樂).<sup>2</sup> From very early times, the sovereign, his family, the princes, and the people, were instructed in these virtues.<sup>3</sup> The essential idea in this whole doctrine may be said to be a government by moral influence. The identification of politics and morals, the latter in the sense of equitable social order in its five relations, meets us everywhere in the ancient history of China and gives the entire Five classics a striking unity.<sup>4</sup>

It is remarkable that Chinese philosophers constructed on these notions a political idealism in which God<sup>5</sup> was with the

<sup>1</sup> *Li* has been inadequately rendered by the word propriety. Even before Confucius, who seems to have greatly enriched the meaning of this classical term, its significance was hardly less than a graceful expression of one's virtuous spirit in his conduct toward himself, toward others, and toward nature and gods.

<sup>2</sup> All these three (五教, 禮 and 樂) are said to have been taken in charge of the government by Shun (舜).

<sup>3</sup> The Duke of Chow (周公) is said to have elaborated an educational system on this principle.

<sup>4</sup> As we shall see later on, Confucius did, if the Book of Great Learning really reflects his teachings, reduce the entire doctrine into a system, for he traced the spring of virtue from the national and local politics to the family, and from the family to the personal training of the mind and heart of the sovereign himself. Yet the idea of thus returning in the last analysis to the virtue of the ruling person is obviously much earlier than Confucius, and seems in fact one of the earliest in Chinese history.

In this connection, we think it would be only logical for the modern student to analyze the real significance of this remarkable Chinese political doctrine, and say that virtue was not an end in itself, but it was the means and peace was the end, or, perhaps even more truly, peace was the means and the security of the sovereign the end. But this latter idea does not seem to have been fully conscious in the mind of the ancient statesman, or at least was not clearly expressed until the next period. To all appearance, the doctrine of the first period was that virtue was the common principle and peace the common end of the nation.

<sup>5</sup> It should be emphasized here that, while the monotheistic tendency of the religious ideas of the ancient Japanese seems to have been early arrested by the

people and the Emperor was placed over the people in trust. "Heaven, for the help of the inferior people, made for them rulers, and made for them instructors, that they might be able to be aiding to God, and secure the tranquillity of the four quarters . . . . Heaven compassionates the people. What the people desire, Heaven will be found to give effect to."<sup>1</sup> The King would say: "Heaven sees as my people see; Heaven hears as my people hear."<sup>2</sup> The people would respond; "He who soothes us is our sovereign; he who oppresses us is our enemy."<sup>3</sup> "The people are not constant to those whom they cherish;—they cherish only him who is benevolent."<sup>4</sup> "The king comes as vice-gerent of God,"<sup>5</sup> as "the fellow of God."<sup>6</sup>

It was only consistent with these ideas that the crown should devolve, not on the heir, but on the most virtuous. A theory was early developed that royal succession should be decided less by birth than by merit.<sup>7</sup> One should not say, however, that this form of selection was the most primitive one that had existed in China, for the earlier existence of hereditary succession is reflected in the custom of the newly selected sovereign deferring the throne in favor of the son of

endeavor of the reigning house to raise Goddess Amaterasu to the supreme position in heaven, the Chinese people, who were, as it were, always less concrete and realistic in their imaginings than the Japanese, went ahead and conceived one vaguely personal God. This notion was applied to their politics, resulting in so early times in such a clear conception of the divine mission of the ruler as is shown in the quotation in the text. See pp. 33-4 above.

<sup>1</sup> *Shu King* V-i-1. (Legge's tr. in the *Sacred Books of the East*, American edition, vol. V. p. 126.)

<sup>2</sup> *Ibid.* ii. Legge, 128.

<sup>3</sup> *Ibid.* iii. Legge, 130.

<sup>4</sup> *Ibid.*, IV-v-3.

<sup>5</sup> V-iii-2. Legge, 185.

<sup>6</sup> IV-v-3.

<sup>7</sup> The phrase "elective monarchy" that some writers have used to designate this period of Chinese history is hardly well-chosen.

the last ruler. Both ancestor-worship and human desire of power must have preferred heredity to appointment, and so, even granting some probable authenticity of the traditions bearing on the latter, tendency was a steady gravitation toward the former. In fact, the traditions seem to record not more than two cases of succession by virtue, namely, Yao to Shun and Shun to Yü. Before and after them was heredity: the high ideal was at last attained by Yao and Shun, and then forever departed from history. It is no wonder that the Chinese people have always spoken of the time of the two sovereigns as the golden age. The Duke of Chow and Confucius indeed have appeared since then, and the political philosophy was perfected in the later Chow far beyond the reach of the crude notions of the more ancient days, but the true greatness, the genuine spirit, of the doctrine as a reality had passed away, never to return. This fact—for it is regarded by the Chinese as a fact—appears in no small degree to account for the retrospective attitude of the Chinese mind.

With the restoration of the hereditary form of royal succession, therefore, the Chinese political doctrine may be said to have begun to decline. Yet temporary solutions of the difficulties were not wanting. As the hereditary heir might perchance be too young or too incapable to rule the people and control the princes, the position of the Minister (相) was to grow in importance and responsibility. He continually reminded the King of the virtues of his ancestors and the dangers that might arise from not following their paths. "Reverently determine your aim," the celebrated I Yin is made to say to his sovereign, "and follow the ways of your grandfather. Thus I shall be delighted, and be able to show to all ages that I have discharged my trust."<sup>1</sup> King Wu Ting is said to have spoken thus to his great Minister Fu Yueh ;

<sup>1</sup> *Shu King*, IV-v-2. Legge, 67. Tr. is free.



“Oh! Yuch, that all within the four seas look up to my virtue is owing to you. As his legs and arms form the man, so does a good minister form the sage (king). Formerly, there was the first premier of our dynasty, Pao Hang (I Yin), who raised up and formed its royal founder. He said, ‘If I cannot make my sovereign like Yao or Shun, I shall feel ashamed in my heart, as if I were beaten in the market place’.”<sup>1</sup> The names of I Yin and Fu Yuch are as illustrious among Ministers as are those of Yao and Shun among sovereigns.<sup>2</sup> Like the latter, the former are known to have been raised from among the people for their great virtues.<sup>3</sup> It happened in the course of time, however, that Ministers, as well as Kings, tended to transmit their office by heredity. Consequent evils may well be imagined in this system of ultimately relying on frail human nature. Making first the sovereign and then his minister hereditary, Chinese politics was beginning to recline on the slender conscience of the man and a free play of the caprice of chance. A bad king with a poor premier may work an immense havoc in one generation. A poet sang, probably during the reign of the miserable king Yu and his indolent minister Yin:—

“The Grand-Master Yin  
Is the foundation of our Chow,  
And the balance of the Kingdom is in his hands.  
He should be keeping its four quarters together;  
He should be aiding the Son of Heaven,  
So as to preserve the people from going astray.  
O unpyting great Heaven,  
It is not right he should reduce us all to such misery!

<sup>1</sup> *Shu King* IV-viii-3. Legge, 118. Also cf. *Shi King* II-ii-7.

<sup>2</sup> Observe how the Dukes of Shaou and Chow assumed the right, not only of government, but also, in critical times, of deposition and enthronement.

<sup>3</sup> Shun and Yü were themselves Ministers before they became sovereigns. In later times the desire of Confucius and of Mencius was to become Ministers.

"He does nothing himself personally,  
 And the people have no confidence in him.  
 Making no enquiry about them, and no trial of their  
     services,  
 He should not deal deceitfully with superior men.  
 If he dismissed them on the requirement of justice,  
 Mean men would not be endangering (the commonweal);  
 And his mean relatives  
 Would not be in offices of importance."<sup>1</sup>

As with the king and the minister, so with inferior officers (官), virtue was the cardinal principle of political conduct. Their importance is duly emphasized, but what could avail when the heads of the State evade their duties and relegate them to the shoulders of their subordinates? "Good government and bad," Yueh may well say, "depend on the various officers. Offices should not be given to men because they are favorites, but only to men of ability. Dignities should not be conferred on men of evil practices, but only on men of worth."<sup>2</sup> "I will," a king may well say, "exert myself in the choice and guiding of you (officers);—do ye think reverently of my multitudes."<sup>3</sup> But when the guiding power is gone and virtue departed, it will be too late to say; "You do not speak in a spirit of harmony and goodness to the people, and are only giving birth to bitter evils for yourselves. You play the part of destroyers and authors of calamity, of villains and traitors, to bring down misery to your own persons. You set the example of evil, and must feel its smart;—what will it avail you (then) to repent? Look at the poor people;—they are still able to look to one another and give expression to their remonstrances, but when they begin to speak, you are ready with your extravagant talk;—how

<sup>1</sup> *Shi King*, IV-iii-7. Legge, 352.

<sup>2</sup> *Shu King* IV-viii-2. Legge, 115.

<sup>3</sup> *Ibid.* vii-2. Legge, 112.

much more ought you to have me before your eyes, with whom it is to make your lives long or short !.....It will not be I who will be to blame, that you all cause dispeace in this way." <sup>1</sup> The king is not to blame if he is virtuous, but if he is not, his officers are no more to blame than he. <sup>2</sup>

It will not be hard to see how fraught with danger is a political philosophy which teaches an immutable peace of peasants to be the primary object of government, and benevolent virtue of the ruler to be the means to bring it about. It seems to err in its undue reliance on human nature. When it succeeds, society will be contented but stationary. When it fails,—and it will fail far oftener than it will succeed,—the whole machinery of the State will be seen evading exertion and allowing inertia to impel it whither it might. <sup>3</sup> Then will the ambitious princes rush to the fore, and, in their desperate strife one against another, who will suffer the most but the poor multitudes?

"T'ai K'ang occupied the throne like a personator of the dead. By idleness and dissipation he extinguished his virtue, till the black-haired people all wavered in their allegiance. He, however, pursued his pleasure and wanderings without any self-restraint. He went out to hunt beyond the Lo, and a hundred days elapsed without his returning. Î, the prince of

<sup>1</sup> *Shu King* IV-vii-1. Legge, 106.

<sup>2</sup> The idea that it is the duty of the sovereign to raise virtuous subjects, hitherto unknown, to high offices of the State, still remains as one of the potent moral platitudes so often reiterated in China and Korea. An interesting instance occurred in Seoul in 1898, when there took place in the streets bloody riots between two semi-political factions each of which had certain claims on the government. The Emperor (then King) took an unprecedented course of action in appearing in person, attended by court officers and foreign representatives, before the contending parties, and remarking among other things that he was partly responsible for the deplorable state of affairs and that it belonged to him to hunt for able persons in the land to take charge of the government. The promise was not and could hardly be fulfilled.

<sup>3</sup> See *Shu King*, IV-vi-2 and 3. Legge, 101-2.

Chiung, taking advantage of the discontent of the people, resisted (his return) on (the south of) the Ho."<sup>1</sup>

Numerous princes will be led by one prince of superior genius, and a battle will be fought between him and the vicious king who will not be dethroned without a struggle. While force must decide the issue of the battle, the leader of the rebel princes will not fail to appeal to the political doctrine that the throne is kept in trust by the sovereign, and that, the latter failing in virtue and alienating the world, a more virtuous person has received Heavenly commission to overthrow him. He will claim that the excellence of his own virtue is attested by the numerous following of the princes and the people that he has brought together under him. If it is true that God pronounced to Yu, in time of peace, that "the determinate appointment of Heaven rested on his person,"<sup>2</sup> why should not T'ang, the founder of the Yin Dynasty, say; "It is not I, the little child, who dare to undertake a rebellious enterprise, but, for the many crimes of the sovereign of Hsia, Heaven has given the charge to destroy him"? "As I fear God, I dare not but punish him."<sup>3</sup> The same philosophy was applied to the last king of this new dynasty, by the rebel Wu of Cheu. "Heaven therefore," he is made to say, "gave its aid to T'ang the successful, and charged him to make an end of the appointment of Hsia. But the crimes of shau [the last king of Yin] exceed that of Chieh [the last king of Hsia] .... ..It would seem that Heaven is going by means of me to rule the people."<sup>4</sup> "Now, I, Fa, am simply executing respectfully the punishment appointed by Heaven."<sup>5</sup>

In every change of dynasty, its founder could reiterate this doctrine, which thus gained strength by repetition at each

<sup>1</sup> *Shu King*, III-iii-1. Legge, 78-9.

<sup>2</sup> *Ibid.*, II-ii. Legge, 50.

<sup>3</sup> *Shu King*, IV-i. Legge, 85.

<sup>4</sup> V-i-2. Legge, 128.

<sup>5</sup> V-ii. Legge, 132.

revolution, Dynasties may change, but virtue was the common foundation of them all,<sup>1</sup> and was constant in spite of revolutions, which latter indeed found their justification in it.<sup>2</sup> This truly remarkable philosophy of revolution must be considered as peculiar to China and peculiarly consistent with her political situation.

It will now be seen that in China there grow up two forms of royal succession, hereditary and dynastic. Their contradiction with each other will at once be detected. If virtue is power, and if it creates dynastic change, family succession can have no place in this political doctrine. Yet the founder of each dynasty, once secure in his throne, would perpetuate it by heredity. Revolutions must recur, and so long as the same philosophy obtains there can be no end to this cycle of Cathay.

And the cycle will always look backward, for the political doctrine of virtue and the examples of good rule and of dynastic revolutions were too early developed to need alteration or improvement. Thus retrospective attitude became a fixed Chinese characteristic. Nowhere in the vast political literature of China can a student read a book without meeting expressions of adoration of the past, of Yu and Shun, Wan and Wu. The spirit literally permeates every writing from the *Shu King* to the decrees of the present Emperor.

This complete system of Chinese political doctrine met its first greatest and longest trial, which nearly tore it to pieces, when in 770 B.C. King Ping removed his Capital eastward

<sup>1</sup> *Shu King*, IV-iv-2, vi-2, V-viii, ix-2, xii-2. The last document of the kind, which was written in 1644 at the accession of the present dynasty, is found in Williams, *Middle Kingdom*, (ed. 1883), I., 395-6.

<sup>2</sup> When the Shin-nung declined, "the princes warred against one another and oppressed the people," and the Hwang-ti overthrew him in the battle of Cho Luh, and founded his Dynasty. *Shiki*, I.

from Po (in Shensi) to Lo (in Honan). It was a signal for the coming of over five centuries of terrible convulsions of the whole Kingdom. At the beginning of this dark age, there were more than one hundred semi-feudal states under the weak control of chow, and, at its end, all China had been subdued by the iron of Ts'in and organized into a state-system which had not before been known in China. This tremendous change was brought about, it may be said, again by the need of controlling the warring princes that had parcelled the whole country into shreds. The first Kings of Chow are said to have divided the land into numerous principalities of five different grades, which they assigned to the hereditary charge of more than seventy of their trusted relatives.<sup>1</sup> As the central authority declined, these grades were gradually overstepped by one another, and the prescribed custom of the princes to visit the capital at certain intervals was in danger of falling into desuetude. Yet the semblance of a united kingdom had been, though in a less and less degree, still maintained by the princes, until the removal of the Capital took place. This last act was a confession of Cheu's inability to resist the disintegrating forces of feudalism and the invasion of the barbarians. The commotion that had already started now proceeded with redoubled vigor. The "Spring and Autumn" of Confucius which covers a century and a half between 722 and 481 B.C. contains the names of more than 160 principalities that existed in China at the time. In the midst of their contention, there arose in different parts of the country those great lords who came to be represented by a general name which characterized the period perhaps better than any other single word. The *Pa* (霸) were those lords who between the seventh and sixth centuries B.C. exercised supremacy over more or

<sup>1</sup> 公 and 侯 each received 100 *li*; 伯, 70 *li*; 子 and 男, 50 *li*. Those who had less than 50 *li* were 附庸 and subordinate to some one prince



less extended territories around them, whose princes swore their allegiance to them,<sup>1</sup> without, however, entirely ignoring the royal authority. The word came into use probably from the pretence that the strong lord was not so soon displacing the *Wang* (王, king), whose exalted position was still to be respected.<sup>2</sup> Otherwise the *Pa* was in reality a king, and even stronger than he, in his sphere of activity. His power, however, could not be maintained by his house for successive generations. His position was abnormal and ephemeral, because, force being rampant on every side, the institution of *Pa*-ship was no solution of the difficulty of the period. The several *Pa* had to be forgotten one after another, while the *Wang* was to be regarded with decreasing respect. A prolonged period of struggle for supremacy now commenced, in which intrigues, assassinations and wars, reduced the number of principalities gradually to only twelve. Then these few states went into endless wars and alliances, with bewildering changes of fortune. Men of sagacity, bravery, and ability in government and war, were highly prized by the competing princes, without regard to their origin or birth, and the art of political persuasion marvellously advanced. Sages and politicians travelled up and down the country in search of the princes who might employ their talent in their government and aggrandisement. It is remarkable that there thus arose several schools of ethical and political philosophy. Confucius lived between 551 and 479, and the books of Lao-tsz' are said to have been written in 522.

This state of things was only aggravated after the accession of Kind Wei-Lieh in 425 B.C. There were now, besides the

<sup>1</sup> Mencius gives the oaths sworn by the princes to a *Pa* in 650. See *Mencius*, VI-ii-7.

<sup>2</sup> Hwan of Ts'i and Wän of Tsin, two greatest *Pa*, were in direct friendly relation with the King.

domain of Chow, seven states in China, of which Ts'in 秦 toward the west was assuming a threatening position. She was formerly a semi-barbarous region, lying half beyond the limits of the Kingdom of Chow, but since the eighth century her increased territory and clear and determined policy of aggression had steadily raised her rank among the contending principalities, until the other six states thought it necessary to unite their strength against her. But the alliance was no sooner made than broken (333-2).<sup>1</sup> Chow herself was conquered by Ts'in in 249, and, by the fall of Ts'i in 221, Ts'in had annexed every one of her six rivals, and was ready to institute her extraordinary policy of unifying the whole country.

Under these circumstances it is not strange that, as has been said, there flourished in China between the six and the third centuries B.C. numerous schools of political philosophy. They were truly products of the age. Their extraordinary development and their variety of thoughts which were evolved in their attempts to solve the problems of the times must be considered as truly remarkable. Of these schools, we think we can mark out two most important ones for our purpose, and discard all others which appear to us far inferior in value and in influence. These two schools were alike remarkable in their original form and in their later development. They were respectively started by Confucius and Lao-tsz', and were further extended, the one by Mencius who flourished a century and a half later than Confucius, and the other by a train of scholars and politicians who may be well represented by Chwang-tsz' (4th-3rd century B.C.) in its philosophical side and by Han Fe-tsz'

<sup>1</sup> The alliances and counter-alliances of this period were largely owing to two famous itinerant statesmen, Su Ts'in 蘇秦 and Ch'ang I 張儀, who according to tradition, had once studied under the same philosopher, but latter found themselves serving princedoms hostile to one another.

(whose book was probably written in 233) in its political side.<sup>1</sup> The doctrine of the Con-Men school, as the former is called, was more in accord with the traditional teachings of the Shu and the Shih, than was that of the other school, which we might term the Lao-Han, whose principles, in their later development, were strikingly different from anything that had been expounded in China. While thus the first school may be considered the more orthodox, the second was in some respects the more practical at the time, and both have left profound impressions on all subsequent political life of China. We shall now point out a few of the salient points of the philosophy of each school, and then look to see if there can be found ideas common to both.

Lao-tsz' 老子 is well-known as the founder of the philosophy of "doing-nothing", which, however, should not be taken, as it sometimes is, as a doctrine of inaction, but of doing nought against the natural course of things. The art of endearing the people and ruling a State was to transcend petty cleverness.<sup>2</sup> The people love and praise a good ruler, because he establishes good acts; they fear a next good ruler, because he uses his authority; the worst ruler they despise and evade, because he uses his cleverness; and as to the best ruler they only know that he exists.<sup>3</sup> Discard philosophies and abandon knowledge, and the benefit of the people will grow a hundred-fold; discard benevolence and abandon righteousness, and the people will again be filial sons and loving parents; discard artifice and abandon profit, and there will be no thief.<sup>4</sup> The philosopher abides in the law of nature; he neither boasts nor contends, and rules the kingdom as if he were obliged to do so.<sup>5</sup> The Kingdom is a divine thing; one who makes it mars it, one who

<sup>1</sup> 'Sz'-Ma Ts'ien, *Shi Ki*, LXIII.

<sup>2</sup> *Lao-tsz'*, I-10.

<sup>3</sup> I-17. I am not positive of the correctness of my translation of the last clause.

<sup>4</sup> I-19.

<sup>5</sup> I-22 & 29.

takes it loses it.<sup>1</sup> The government is dark (unknown), and the people are contented; the government is wise (trivial), and the people are destitute.<sup>2</sup> The more laws, the more robbers.<sup>3</sup> Ruling a large State is like boiling small fish.<sup>4</sup> If you stir them, they will fall in pieces.

This apparently abstruse doctrine contained in it great possibilities of later development. Observe a few more remarks that follow. If the ruler do not select men of wisdom, the people will not compete against one another; if he do not prize valuable things, they will not steal; if he do not show his tastes and inclinations, their minds will not be distracted. Therefore the wise ruler empties the minds of the people and fills their stomachs, weakens their will and strengthens their bones. Let them be without knowledge and without desire.<sup>5</sup> The instruments of government shall not be shown to the people.<sup>6</sup> The ancient sage kings did not enlighten the people, but made them ignorant, for the difficulties of government lie in popular wisdom.<sup>7</sup> The people shall be satisfied with their lot, and, though peace and prosperity may reign over all the neighboring countries, their people shall not migrate or communicate with one another, but shall grow old and die contented in their own villages.<sup>8</sup>

Here is another set of Lao's sayings, which are perhaps more pleasing to the modern mind. The philosopher has no constant mind, but makes the people's mind his mind. The people serve as his ear and eye, and he makes them all his children.<sup>9</sup> Even as the ocean is lower than rivers and greater than they all, so the ruler is below the people in speech and behind them in action, so that they will not consider him a burden although he sits over them. He does not contend,

<sup>1</sup> Lao-tsz', II-58.

<sup>2</sup> II-58.

<sup>3</sup> II. 57.

<sup>4</sup> II-60.

<sup>5</sup> I-3.

<sup>6</sup> I-36.

<sup>7</sup> II-65.

<sup>8</sup> II-80.

<sup>9</sup> II-48.

and therefore his country will not contend with him.<sup>1</sup>

In all these sayings, the philosopher and the ruler are constantly identified with each other. This distinctly political feature of Lao's philosophy was much obscured by Chwang-tsz', 莊子 who considered it an intolerable burden for a philosopher to rule a country.<sup>2</sup> He would rather dwell in the secluded Mount of Miao-ku-sh,' where he may live more in unison with Nature. We can hardly expect political teachings from such a philosopher.

We may pass over Sun Wu and Wu Ch'i and hasten to study Han Fe-tsz' 韓非子, who brought the Lao-Han philosophy to its culmination.

The primary object of Han's teachings was to inculcate in the prince the art of becoming a *Pa*. It was with the same end in view that he travelled from court to court in quest of a prince to apply his doctrine, until he fell victim to the jealousy of another statesman of a similar mould. If Ts'in, says he, when she defeated Tsu, had not concluded peace with her, but put her out of existence, she might likewise have subdued Ching and exploited her land and people, weakened Ts'i and Yen and defied the three Tsin, and thus by one stroke attained the name of *Pa-wang*, Lord-King<sup>3</sup> and received the obeisance of the neighboring princes.<sup>4</sup> To be a *pa-wang* in these days was, again to use Han's wording, to break up alliances, annex Chao and destroy Han, subject Ching and Wei, befriend Ts'i and Yen, and receive the homage of the princes and possess the whole country.<sup>5</sup>

Such was the picture of the lord-king he wished to see in life. Before going into the detail of his doctrine of *pa*-ship, it might be well to consider what seem to be the ulterior

<sup>1</sup> Lao-tsz', II-66. Also see I-13.

<sup>2</sup> Chwang-tsz', Part I., Book I.

<sup>3</sup> This compound word frequently appears in Chinese literature of this period. It may be said to mark a transition from the age of the *Pa* to that of the Emperor.

<sup>4</sup> Han Fe-tsz', I-1.      <sup>5</sup> *Ibid.*, I-2.

principles on which he based his entire political philosophy. Here his scholastic relation to Lao seems undeniable. He declares that mutual justice<sup>1</sup> is the tie of the prince and the subject, and that the philosophy of government springs from natural law.<sup>2</sup> The law of nature was impersonal; it was wise with the sages, made with the fanatics, perditionous with the tyrants, and prosperous with the founders of the dynasties.<sup>3</sup> The law of the State was to be based on the law of nature.<sup>4</sup> These remarks of Han must be taken in whatever sense they may. Yet from these the transition is bold, as well as cynical, to his idea that the prince is to the State as is the riches is to the human life. "The normal life of a State," says he, "is its existence, and the *Pa-Wang* is an addition; the normal condition of a man is his living, to which riches is an addition."<sup>5</sup> From this standpoint Han may well have argued that in such an age of universal strife it was only by making itself supreme over others that a State could hope to exist, and that for that purpose a one-man power was an absolute necessity. Hence, in spite of his notion of natural law, he almost identified the State with its prince and made the people totally subservient to him.<sup>6</sup> Such was a plain philosophy of the period, to which the doctrine of Han was, we might say, an addition.

He goes on to tell how the position of a lord-king may be attained. An ambitious prince shall not employ inefficient and unfaithful ministers.<sup>7</sup> He shall not have undue confidence in his great subjects, lest they might become unwieldy.<sup>8</sup> He

<sup>1</sup> 義.

<sup>2</sup> 道. The reference is to VI-1.

<sup>3</sup> *Ibid.* \* VIII-7.

<sup>4</sup> VI-2. 邦以生爲常，霸王其寄也。身以生爲常，富貴其寄也。 One is tempted to translate 寄 with the word "parasite."

<sup>6</sup> The ruler is, however, taught to be considerate of the suffering of the people in extortion and war. See I-1, V-3, 4, VI-1.

<sup>7</sup> I-1      <sup>8</sup> I-4.



shall not side with them.<sup>1</sup> He shall at all times spare his powerful relatives, even as the gardener prunes the branches of a tree. He and his subjects have no blood tie, and the object of the latter is to constantly scrutinize his countenance and seek to reap from him the largest possible benefit for themselves.<sup>2</sup> He and they have antagonistic interests, a gain of the one being a loss of the other.<sup>3</sup> The administration of law and justice shall never pass into the hands of the subjects.<sup>4</sup> Nor shall he ever allow parties to be formed amongst them.<sup>5</sup>

The point in Han's doctrine which at once is the most original and has had the most profound influence on Chinese history is its notion of law (法). It was also, as it may seem, the most potent application of Lao's philosophy to active politics. The ruler, says Han, shall be calm and passive, and withhold his personal likes and dislikes from the eyes of his subjects, lest they might imitate and exaggerate his examples indefinitely and harmfully.<sup>6</sup> He shall allow the wise ministers to use all their talent; he shall not use his judgment but let the facts decide themselves, and let names and things define themselves.<sup>7</sup> That is to say, he shall have at his command simple, enforceable laws. No merit shall pass unrewarded, and no offence unpunished. The law shall regard no relation, no passion.<sup>8</sup> No state is permanently strong or weak, but law makes it either powerful or feeble.<sup>9</sup> Law is opposed to personal ends and selfish acts; it knows no nobility and no wisdom.<sup>10</sup> Its force no sage can avoid, no warrior can dispute; it punishes even the chief minister and rewards even the simple fellow.<sup>10</sup> It reduces the entire population into one rule.<sup>10</sup> The ruler cannot alone see clearly all things and all men, but law is awake while he is asleep.<sup>10</sup> Nay, law will make the whole country his ear and eye.<sup>11</sup> The moment law is

<sup>1</sup> II-3.<sup>2</sup> IV-4, V-3.<sup>3</sup> X-I.<sup>4</sup> VI-2, X-I.<sup>5</sup> II-I, 3, V-4&5.<sup>6</sup> I-5, II-1&2, &c.<sup>7</sup> I-5.<sup>8</sup> I-4&5.<sup>9</sup> II-I.<sup>10</sup> II-I.<sup>11</sup> IV-4.

relinquished, personality will intrude into government and the distinction between prince and subject will be obliterated.<sup>1</sup>

It is not difficult to see that these must have been at the time, and will always be, powerful ideas. Impersonality and inviolability of law, and equality before it, were thus unexpectedly launched in China during one of the darkest periods of her history, by a philosopher whose primary concern was to make the prince all-powerful. Nor was this doctrine a dream of a visionary, for it went into active politics through Han himself, Shan Pu-Hai, Shang Yan, Li Sz' and many other statesmen of the fourth and third centuries B. C. It was most vigorously enforced in Ts'in, which to a large extent owes its greatness to this doctrine. This fundamental notion of the Lao-Han philosophy has since been in continuous practice, though not with continuous success, through all succeeding dynasties.

From a purely philosophical point of view, however, the transition from Lao to Han must be considered a degeneration. With the former, the object of government was to reduce the nation to the state of nature, and the do-nothing was its method. With Han, the weight of his doctrine was the creation of a lord-king, of which law was a means. Han's aim was thus fundamentally different from that of Lao, to whose doctrine indeed he seems to have appealed for the sake of rationalization alone. Lao may have viewed with equanimity rapid rise and fall of the States, for what were they to him so long as his ideal remained unrealized? On the other hand, Han would have welcomed the rise of any powerful suzerain, if all the other princes were to go to perdition. If an all-powerful empire could be erected without Han's law, what could it matter? His law was rather a means than the method.

<sup>1</sup> II-1.

The development of the other school of political philosophy from Confucius to Mencius is not so remarkable as that from Lao-tsz' to Han Fe-tsz', perhaps because the substance of the Confucian doctrine had already been developed before him, and hence there was less ground for further growth after him than in the original and fertile teachings of Lao. Now, the position of "law" in the Lao-Han system of philosophy corresponds to that of "virtue" in the Con-Men doctrine. This might have been expected from the pre-Chow philosophy which was explained earlier in this chapter, to which the latter school was a legitimate successor. He who exercises government with virtue, says Confucius, may be likened to the north star, which keeps its place and towards which all the stars turn.<sup>1</sup> The virtue of the sage is wind, that of the people is grass; grass bends where wind blows.<sup>2</sup> The one principle that runs through Confucius's teachings is explained by a disciple to be truthfulness to one's nature and its benevolent exercise to others.<sup>3</sup> If the ruler is himself right, his will be done without decrees, but if he is not right no decree will create obedience.<sup>4</sup> To cultivate one's own virtue and accordingly to appease the people is an ideal in politics to which even Yao and Shun found it hard to attain<sup>5</sup> and yet it was by his utmost knowledge and sincerity that the ruler's virtue could be cultivated, his household regulated, his domain and the whole kingdom well governed.<sup>6</sup> The teaching of the Confucian Great Learning is, to illustrate illustrious virtue, to renovate the people, and to rest in the highest excellence.<sup>7</sup> The highest excellence of the ruler was benevolence, that of

<sup>1</sup> *Lun-Yü*, II-1.                      <sup>2</sup> *L. Y.*, XII-19.

<sup>3</sup> *L. Y.*, IV-15. 忠恕              Tr. is based on Legge.

<sup>4</sup> *L. Y.*, XIII-6 & 13.              <sup>5</sup> XIV-45.

<sup>6</sup> *Ta H'io*, "Sayings of Confucius." Also *Chung Yung*, XX. These two books are quoted here to illustrate the ideas of the earlier Confucian school, and not necessarily of the sage himself.

<sup>7</sup> *T. H.*, *ibid.* Legge.

the subject was reverence, that of the son, filial piety, and that of the father, mercy.<sup>1</sup> The nine canons of royal government were: to cultivate one's own virtue, to esteem the wise, to endear the relatives, to respect the ministers, to sympathize with the officers, to love the people as his children, to attract artisans, to comfort strangers from afar,<sup>2</sup> and to propitiate<sup>3</sup> the princes.<sup>4</sup>

The doctrine of the *Shu King* is further echoed in the "sayings of Confucius" that from the king to the peasant, the cultivation of virtue is the foundation of all conduct,<sup>5</sup> and that Shun's virtue was that of a sage and his position was that of a king, for great virtue always received Heavenly commission.<sup>6</sup>

Yet this noble conception could not, as might be expected, rise to a grand democracy of virtue. The maxim of Confucius that the people shall be guided but shall not know<sup>7</sup> may be compared with that of Lao-tsz' that the ancient wise kings did not enlighten the people, but made them ignorant.<sup>8</sup> Both philosophers seem to have implied that the people were of necessity incapable of guiding themselves, and the entire duty of managing a State devolved on its ruler. The views of

<sup>1</sup> *T. H.*, "Comments," III.

<sup>2</sup> How deeply these canons have influenced the political thinking of China may be seen from the fact that this particular phrase was repeatedly used in Imperial decrees and other official documents, just before and after the Opium War, when it was applied to the Europeans in China, especially the hated English. The latter defeated the Chinese forces, and the Chinese documents then began to profess to comfort them all the more, while all the concession was really wrested by dint of war.

<sup>3</sup> "Propitiate" is not perhaps the best word for 懷, which rather seems to mean to make submissive by kindness and love.

<sup>4</sup> *C. Y.*, XX.

<sup>5</sup> *T. H.*, "Sayings of Confucius."

<sup>6</sup> *C. Y.*, XVII. Writing in 1189, Chu Hsi, in the preface of his edition of the *Ta Hsio*, repeats the idea in the text in a very clear language.

<sup>7</sup> *L. Y.*, VIII. 9. 民可使由之。不可使知之。 Legge's tr. is: "The people may be made to follow a path of action, but they may not be made to understand it."

<sup>8</sup> *Lao-tsz'*, II-65.

Confucius were, however, serious. The people should be employed by the ruler just as if he were assisting at a great sacrifice.<sup>1</sup> If the people are rich, the ruler is *ipso facto* rich, and if they are poor, how could he alone be rich?<sup>2</sup> He shall have their confidence, which is preferred to wealth and arms.<sup>3</sup> If there is virtue in government, power will be in the hand of the ruler, and the common people will not discuss politics.<sup>4</sup>

The fundamental assumption being that the millions of peasants were unable to guide their own destiny, but always docile to the examples of a ruler who would give them peace and order, education of the people came to be a matter of primary importance for the prince. Education, furthermore, should be of such a nature as to promote virtues of agriculture and family life. These points widely separated Confucianism from the doctrine of Lao. If the people be led by laws, says Confucius, and regulated by punishments, they will be evasive and shameless; if they be led by virtue and regulated by propriety,<sup>5</sup> they will have the sense of shame, and moreover will become good.<sup>6</sup> They shall be led to know the distinction between the prince and the subject, the parent and the child, and the rules that control the distinctions.<sup>7</sup> Such an education was to be done both by the personal example of the ruler and by means of a system of public education. The student will not fail to see that the entire notion was for the sake of peace insured by obedience, and not for popular discipline in public conduct, for, as has been repeatedly said, a nation of ancestor-worshipping peasants was at the bottom of all Chinese politics.

Mencius, coming a century and a half later, emphasized and developed these ideas of Confucius that have been pointed

<sup>1</sup> *Z. Y.*, XII-2.

<sup>2</sup> XII-3.

<sup>3</sup> XII-7.

<sup>4</sup> XVI-c.

<sup>5</sup> A poor English equivalent for 禮. See p. 156 note 1.

<sup>6</sup> *Z. H.*, II-3.

<sup>7</sup> XII-11.

out. He differentiated the time-honored doctrine of virtue into that of benevolence (仁) and righteousness (義), and, with his dialectical skill and force of character, strenuously inculcated it in the face of vast difficulties. It was with benevolence that Hsia, Yin and Chow in turn secured the kingdom, and it was with its departure that they lost it.<sup>1</sup> The strong troops of Ts'in and Tsu might be resisted by a small principality of one hundred square *li* if its benevolent ruler taxed the people lightly and educated them in virtues filial and loyal.<sup>2</sup> A prince asked Mencius how the rebellions of T'ang of Yin and Wu of Chow could be justified, and the sage made a reply which has since been on the lips of every revolutionist. "The offender of benevolence is a robber," said he, "and the offender of righteousness is a ruffian; a ruffianly robber is a mere fellow (and no king). I have heard that (Wu) killed<sup>3</sup> a fellow Ch'ow, not that he killed<sup>4</sup> a king."<sup>5</sup> With Mencius, the seat of princely authority was in the people. "The people are the most important element (in a nation); the spirit of the land and grain are the next; the sovereign is the lightest."<sup>6</sup> That prince who rejoices with the people is the King.<sup>7</sup>

We shall not here reproduce his sayings which show the importance that he attached to the agricultural life of the people,<sup>8</sup> and to their moral education<sup>9</sup> and family life,<sup>10</sup> points which were more minutely discussed by him than by Confucius. He also made efforts to adapt his doctrine to the needs of the times, emphasizing unfailingly that it was by benevolent and righteous

<sup>1</sup> *Mencius*, IV-i-3.

<sup>2</sup> *Mencius*, I-i-5. For reverse, see I-i-5, I-ii-12.

<sup>3</sup> 誅. <sup>4</sup> 弑.

<sup>5</sup> I-ii-8, Legge is followed.

<sup>6</sup> VII-ii-14.

<sup>7</sup> I-ii-1. Also see IV-i-9, V-ii-5, I-i-2, and IV-ii-3.

<sup>8</sup> I-i-3, 4, 7, II-i-5, I-ii-5, III-i-3, VII-i-23.

<sup>9</sup> I-i-3, III-i-3&4.

<sup>10</sup> IV-i-19, 27, 28, VI-ii-2, 7, 35.



government, and consequent love of the people, and not by force, intrigue, or oppression, that the prince of a small State might rise to be a king over the whole country.<sup>1</sup> Even as zealously as Han Fe preached for the rise of a *Pa* did Mencius call for a *Wang*.<sup>2</sup>

Such a King he failed to make of the king of Ts'i, whom he left with deep sighs, saying that Heaven did not yet wish to pacify the country, for else no one of the age could accomplish it better than the sage himself.<sup>3</sup> Thus even with his indomitable self-confidence and strength of character he could prevail on no earthly prince to put his doctrine into practice. He, as well as the traditional lore of Chinese politics to which he was an heir, must be said to have failed by an over-confidence in human nature, whose strain, particularly in an age of universal warfare, no one could possibly bear. Mencius persistently said that under certain benevolent arrangements the people will be good, peaceful and contented, and yet who could ever have risked these arrangements and forsaken others of pressing need? Who could have stopped to cultivate his personal virtue and thus win the hearts of the peace-loving people, while all around him were fire and sword? Probably the doctrine of Mencius was not destined to succeed in such a time of war.

The points of his superiority over Han, however, shall not be forgotten. The latter sought to establish the power of the prince, but the former aimed at peace of the people. While Mencius was no democrat, he did not, as did Lao-tsz' and also, perhaps, Confucius, wish to keep them ignorant of public affairs.<sup>4</sup> Nor did he harp on the favorite notion of other philosophers that the people would forever imitate and ex-

<sup>1</sup> I-i-1, 5, 6, 7, ii-3, II-i-3, I-ii-10/11, 13/15.

<sup>2</sup> II-i-3, VII-i-13, ii-13.

<sup>3</sup> II-ii-13.

<sup>4</sup> I-ii-7.

aggerate the inclinations of the ruler. Hence his doctrine has an appearance of being somewhat more active; the ruler is taught to be doing something directly for the people, instead of setting above them a personal example or a rigid law.

On the other hand, we think that the school of Han has made a great contribution to China by its enunciation of the doctrine of law. Its philosophers must have seen the futility of relying on the virtue of the ruler and his ministers and officers, and thought it a great solution of the difficulty when they hit the notion of the machinery of law running itself independently of the fleeting conditions of men and things. Behind the law there was to be a stern, unrelenting prince, who had little faith either in his ministers or in his people. We hold that the spirit, if not the detail, of this doctrine has been unmistakably incorporated into the political history of China. It has perhaps, owing to a series of unfortunate circumstances, failed to train itself to such an excellence as to always be so much as an effective force in politics, but its spirit is there. It is possible that every new dynasty will arm itself with such a code of laws as is represented by the present Ta Ts'ing Lüli and Ta Ts'ing Hwui Tien. The Confucian doctrine alone could not probably have produced such a developed notion of law. With Confucius, filial piety transcended law;<sup>1</sup> with Mencius, while law was above private relationship, filial duty might, not indeed supersede it, but trespass against it at its own risk.<sup>2</sup> Emperor Shi-tsung, writing in 1724, says that law is made by the government, not to forbid wrong-doings of the people, but to lead them to good and to peace,<sup>3</sup> and, in 1901, the Emperor of Korea prohibited exportation of grain, thus assuming power to suspend law and trade and ignore foreign treaties, for the simple reason that the people were suffer-

<sup>1</sup> *L.*, Y., XII-18.

<sup>2</sup> *Mencius*, VII-i-35.

<sup>3</sup> In his commentary on his father's *Teachings* (聖諭廣訓). Arts. 7. Also see art. 8.

ing from famine and that Heaven warned the Emperor by this suffering.<sup>1</sup> These two instances may be considered as applications of the Confucian notion of law, whose weakness will be manifest in them.

It is to be marked that historically the notion of law sprang from the new doctrine of force, and that the latter had made its appearance in defiance of the moribund teaching of virtue. As soon as heredity was restored as the principle of royal succession, and as soon as the dynasty of Hsia was securely established, the orthodox political doctrine of China definitely entered the beginning of its end. The ministers and officers could no more bear the strain placed upon their morals than could the king himself, and hence the philosophy of revolution was invented. In this philosophy, the justification was virtue, while the real thing was force. During the violent commotion of the later Chow period, every part of the ancient virtue-lore seemed to contradict itself, and all the States, except perhaps Lu and the royal domain Chow, no longer seemed to conceal their desertion of the inadequate doctrine. Above all, it was the semi-barbarous Tsin which with frankness swept aside all hollow justification<sup>2</sup> and declared the real thing, force, as the cardinal principle of its policy. By force did Tsin rise, grow, and finally unify the whole of China. It was natural that the new doctrine of law was nowhere so well received and exercised as in Tsin. Indeed Confucius came to give the older doctrine a grand form and infuse into it a new life, and Mencius ardently carried it forward to some of its logical conclusions. But the spirit had already decayed, and Tsin simply buried what was dead: disillusionment could hardly be more complete. The change was, however, too radical, and provoked a storm of

<sup>1</sup> His Korean Imperial Majesty's edict of July 23, 1901.

<sup>2</sup> *Shi K'i*, however, gives us a few utterances of the rulers of Tsin which still sounded the old ideas of virtue, but their true significance is too evident.

opposition from the educated class,<sup>1</sup> which Ts'in repressed with iron hand, burning books and burying scholars alive. It is true, the virtue-philosophy was resuscitated by the Han dynasty which followed the Ts'in, and still remains as a moral power, but what was restored was its form, its shell; it was now platitudes, or ornament, rather than living reality, while, on the other hand, the notion of force and law has, since its inception into politics by Ts'in, remained, as we shall see in the next section, a tremendous motive power in all parts of the grand machinery of the Chinese government.

It may not be altogether out of place to discuss the significance of the two systems of Chinese political philosophy from a point of view of comparative politics. It is highly interesting that the old doctrine of virtue when the dynastic succession became a reality, led to a philosophy of revolution. Yet the Chinese revolution naturally took its justification in the want of virtue of the reigning house, and not, as would be the case in the Anglo-Saxon communities, in its failure to observe law. A government by influence, such as the orthodox statesmen of China taught, would primarily guide and instruct the people, and its notion of law, which is conceived as model (法) for the people, would be too weak to become a basis for revolutions. On the other hand, the Chinese doctrine of law, according to the school of Han-fei, had in itself no place for revolutions, its first aim being to forestall them and to perpetuate the power of the dynasty. After Ts'in, therefore, the revolutionists have been wont to draw not on this but on the other philosophy for

<sup>1</sup> Probably one of the reasons for the opposition was rather material than a matter of principle, for, when the unification of China brought with its peace after centuries of warfare, the literati must have been chagrined to see that their claim to offices was not considered and their long desires for power and influence were rudely ignored. The minister Li Sz' is said to have condemned them for deprecating the present by the ancient standard (道古以害今), and proposed that those who would know laws should learn them from officers (若有欲學法令者、以吏爲師), not from the literati.

their anomalous conduct. It is apparent that the seeming discrepancy between the Anglo-Saxon organic law justifying revolutions against lawless sovereigns<sup>1</sup> and the Chinese notion of law excluding all forms of revolution is easily explained by the fact that the word law does not represent the same thing in the two cases. This term, like a few others, in an abstraction from products of historic origins far different from one another in principles and circumstances. The organic law of the Anglo-Saxons and that of the Chinese, so far as their sources and the seats of their authority are concerned, seem almost to stand in the opposite poles. The former is understood now to embody the will of the people as subjects of government, and, in its origin, to have begun as expression of that will as over against that of the king. The Chinese constitution may be said to have started and still to remain as emanating from the sovereign and providing against possible disturbances from the masses or the ambitious. We are aware of no more fertile suggestion as to the origin of the Anglo-Saxon conception of organic law than the one presented by Professor G. B. Adams, who appears to think that the right of the people (then the barons) to coerce by rebellion and deposition a lawless king to observe law, which was expressed in the sixty-first article of the Magna Carta and was soon and repeatedly put into practice during the remainder of John's reign and throughout that of Henry III., was probably the feudal law of personal contract now infused into the national law. Feudalism was fast dying in 1215, but it made a lasting contribution to the English constitution of its central principle of contract, which was, in the form mentioned above, so clearly stated in the great charter and so unequivocally enforced by the barons against the two

1 It is unnecessary to say that the modern parliamentary institutions largely enable nations to substitute continual, peaceful revolutions for abrupt, intermittent ones, if such phrases may be used.

successive bad kings, that by the end of the thirteenth century the idea had to all probability been safely installed in the national law.<sup>1</sup> The Chinese law stands in a decided contrast to the English in that it was its very object to run counter to feudalism, and to suppress it and prevent its reappearance. We shall discuss at length in the next section that the Chinese law and government, once started in this direction, gradually become a ponderous machinery of centralized officialdom operating through the theories of delegation and responsibility which controlled its every part. The result so widely different from that in England was but consistent with the great divergence from each other in origin and purpose of the two systems of law.

In summing up this section, it might once more be said that political philosophy of China, owing to her vast territory, was early developed on the basis of one prince ruling over many, each of whom in his turn ruled over multitudes of ancestor-worshipping peasants. How to control the ambitious princes was the question with the king, and how to live on the people by giving them peace and security was the concern of both the king and the princes. One school of political thinkers advocated virtue, and another, law, as the principle of common application. The former appeared the earlier, as it was the more consistent with the state of the people at large, while the latter was developed in later times when the competition among the princes became acute and the interest of the sovereign was paramount in politics over that of the people. Despite their difference, however, both concurred, though in different

<sup>1</sup> It still awaited two things: an organ through which it could be effectively and continually enforced, and a happy combination of the classes of the people to furnish men to operate the organ and through it to adequately express the will of the nation. For Professor Adams's views, the finer points of which cannot be here reproduced and to which no justice can be done in such a short notice as the present, see the *American Historical Review*, vol. V. pp. 643—658, (July, 1900).



degrees, in considering it impracticable to admit the people into partnership with the ruler in the government. They were to be well fed, and well taught in the essentials of domestic and social virtues, but they were children for whom the ruler was either a benevolent parent or a stern mentor. A feudalism, by minutely parcelling the land and training in each locality at least some portion of the inhabitants in the art of balancing rights and duties of one another, might have been able to remedy the fundamental defect of the Chinese system of government—the absence of the political training of the people. But even this was not to be China's fortune, for her territory was too large, and the tendency of her different portions to fall asunder too great, for the founder of any royal dynasty not to construct some form of government which would primarily aim at the suppression of feudal development in his kingdom. It was of course far from the fortune of the Chinese people to incorporate in any form the feudal principle of contract into their national law. The Chinese people have for these potent reasons been unfortunately deprived of opportunities to discipline themselves in political ways. The doctrine of equality before law, which was itself a product of competition amongst the princes, resulted in establishing an absolute despotism of law, or an absolute law of despotism, under the First Emperor of Ts'in who unified the whole kingdom in 221 B. C. In the subsequent development of their politics the people seemed to be removed further and further away from the points of actual contact with the governing apparatus of the country. The idea of one-man rule has thus become a second nature with the Chinese people,<sup>1</sup> who, when the Dutch ambassadors visited Peking in 1795, could not, it is said, realize that there could on earth exist such a monstrosity

<sup>1</sup> Cf. *Shu King*, II-ii-2, IV-v-2, vii-4, viii-2, and V-xxx.

as a Dutch "Republic."<sup>1</sup> We shall now briefly discuss the centralizing institutions organized by the rulers of Ts'in, and their development down to the foundation of the T'ang government.

## II.

### FROM TS'IN 秦 TO T'ANG 唐.

For an account of the foundation of the Ts'in Empire the student is obliged to fall back upon the almost only, and unreliable, source of information for that period of history. The *Shi K'i* 史記, the first of the Chinese authoritative histories, was written about 90 B.C.<sup>2</sup> Its author, Sz'-Ma Ts'ien, is a masterly writer of concise and vivacious prose, but seems continually to err through his love of romancing and philosophizing. Remembering, however, that our purpose is not to establish facts, but to trace the evolution of political theories and institutions that came to influence Japan at a later date, it may be legitimate for us to analyze a few passages from this classical work that bear on our present subject. Such an analysis will perhaps furnish us with problems regarding not only the unification of the country under the First Emperor, but also the development both previous and subsequent to that new era of Chinese history.

Duke Hiao succeeded his father as sovereign of Ts'in in 361 B.C., and immediately began his career of conquest and ag-

1 Henri Cordier in Lavis and Rambaud's *Histoire Générale*, VIII, p. 953. Probably taken from Van Braam. How the idea of monarchical rule was ingrained in the Chinese mind is illustrated in an amusing remark of the governor of Canton in 1821, that those Americans who had been engaged in the smuggling trade in opium must have been emboldened to it because "they had no king to rule over them." The *Chinese Repository*, VI, 520. (Mar., 1838.)

2 The first writing was probably completed by 91 B.C. The *Shi K'i* we have used for the present work is the edition of 1884.

grandisement. Now the famous Shang Yang<sup>1</sup> found his way into the court of the Duke, who was eager to accept service of any man of political talent, and, in 359, in the face of a strong opposition from the other ministers, prevailed on him "to modify laws and reform penalties, to encourage agriculture at home and enforce reward and punishment for the conduct of the soldiers abroad." Shang's rigorous laws were put into practise, and the "people suffered under them at first, but in three years they found their advantage."<sup>2</sup>

This may be considered the beginning of the reign of law in Ts'in, the notion of which was a little later developed by Han Fe-tsz', as we saw in the last section.

In 350, the Duke removed his capital to Hien Yang. He "collected all the small towns and villages into large h'ien (縣), and at the head of each h'ien he placed a *ling*; there were forty one h'ien."<sup>3</sup>

In the same year, he "made fields and opened perpendicular and transverse roads."<sup>3</sup>

In 348, he "for the first time established taxes."<sup>4</sup>

Ts'in was as yet a Dukedom. Its ruler styled himself King only in 325, and temporarily assumed the title of Western Emperor in 288, the prince of Ts'i being the Eastern Emperor. When Ts'i was annexed in 221, Ts'in was at last the master of all China. The King—for we shall still so call him— assembled his ministers and said; "With my feeble person I have raised soldiers and punished with death the cruel and the rebellious. By grace of my ancestral spirits, the six kings have all submitted themselves to the punishment of their crimes, and the country has been entirely pacified. If I do not now change my kingly title, there will be no means of transmitting my

<sup>1</sup> Wei Yang, later, prince of Shang.

<sup>2</sup> *Shi K'i*, V. 22.

<sup>3</sup> *Ibid.*, 22-3. 爲田開阡陌

<sup>4</sup> *Ibid.*, 23. 初爲賦

merit to posterity. Deliberate therefore on an imperial title." The deliberation resulted in his adopting the title Sovereign-Emperor (Hwang-ti, 皇帝).<sup>1</sup> Deprecating the time-honored custom of giving a posthumous name to the sovereign, he made a further departure in calling himself the First Sovereign-Emperor and ruling that the succeeding generations should be named by their order of succession.<sup>2</sup>

In the same year, some councillors said: "'The princes have lately been vanquished, and the territories of Yen, Tsi and King are distant. Order would not be maintained, unless (new) kings were placed (in different parts of the Empire). We propose that the sons of the Imperial family be so nominated.'" In a consequent deliberation the opinion was concurred in by all the ministers but one. The celebrated Li Sz' said: "'The Kings Wăn and Wu of the Chow dynasty gave lands in fief to their numerous sons, brothers and relatives. When their relations became more remote, they attacked one another like enemies, and the princes chastized each other, while the Kings of Chow were unable to stop it. Now all the land within the seas has, by the divine inspiration of Your Majesty, been unified. If it is reduced to Kiun (郡) and H'ien (縣), and the sons of the Imperial house and the meritorious subjects are amply rewarded with public taxes<sup>3</sup> and thus easily controlled, the Empire will have no other thought (but be in perfect peace).<sup>4</sup> This is the means of assuring repose and tranquillity. It will be disadvantageous to establish princes.'" The Emperor replied, saying: "'That the whole Empire has suffered from

1 The title is apparently a combination of *hwang* of the traditional Three Hwang and *ti* of the Five Ti.

2 *Shi K'i*, VI. 10-11.

3 公賦稅.

4 The translation of this sentence somewhat differs from that of the learned French scholar, M. Édouard Chavannes. See Vol. II., pp. 131-2 of his *Les Mémoires historiques de Se-Ma T'sin*. (2 vols. Paris, 1895.)

incessant wars was owing to the existence of the princes and the kings. Now by grace of my ancestral temple the Empire has only been settled. If I again established principalities, it would be to implant the land with warfare. How difficult it would be to seek peace (by that means)! The advice of the 'ting-wei' (Li Sz') is good.' He thus "divided the Empire into thirty-six Kiu; in each Kiu he placed Administrator (守), Military Governor (討), and Superintendant (監); he called the people by a new name, 'the black heads'; .....he collected all the arms that could be found in the Empire, put them in Hien Yang (the Capital), and melted them and made bells, supports of the bells, and twelve men of metal, weighing one thousand *sh'* each, which he placed in his palace; he unified laws and rules, weights and measures; carts had uniform dimensions, and writings uniform characters."<sup>1</sup>

From these passages we may point out six important problems for discussion. (1). The Imperial title is treated at length under the date 221 B. C. (2). The division of Ts'in into forty-one *hien* is found in 350 B. C., and that of the whole Empire into thirty-six *kiun*, in 221. (3). The change and unification of law is foreshadowed in 361 and completed in 221. (4). Policy of agriculture is touched in 361, and (5) that of land-system in 350. (6). The question of taxation is referred to in 348 and 221. We shall now take up these topics one by one and endeavor to determine what was the nature of the innovation brought about by the First Emperor.

(1). The title of the sovereign. The oldest fabulous rulers or perhaps dynasties are known as the Three Hwang. They were succeeded by the Five Ti. Beginning with the dynasty of Hsia, the sovereigns of China had styled themselves Wang, until in 221 B. C. the king of Ts'in assumed the new title Hwang-Ti. The three words, *hwang*, *ti* and *wang*, are

<sup>1</sup> *Shi K'i*, VI. 12-3.

respectively translated Sovereign, Emperor and King, and hence Hwang-Ti is rendered Sovereign-Emperor. The use of 'ti' as emperor was, therefore, not brought about for the first time in 221 B. C.; the first Hwang-Ti himself used the title somewhat informally in 288. What constitutes the significance of the new title must be seen in connection with the action of its bearer in displacing the feeble *wang*ship, with all its attendant weakness of local government, and substituting for it a State-system based on a direct control of the whole land by the ruler and his uniform law. He would no longer call himself a *wang* nor restore his government, and the writer in English may be justified in calling him a true emperor as distinguished from the sovereigns of Chow, whom we have chosen to call kings. The title Hwang-Ti, or simply Ti, has never again been forsaken, and Wang has never been resumed, by the Chinese Emperors since 221. B. C.

(2). Local divisions. A discussion on this important but difficult subject may well be opened by an enumeration of some of the most persistently recurring names of local units. Among them are Kiun and H'ien, and the others are, Kwo, Chu, H'iang, Li and Ts'un. Of these, the *Kwo* (國) is about as indefinite and general as the English 'country' and the earlier Japanese 'kuni', the latter of which, indeed, it came to represent in writing. It often meant the territory of any extent controlled by a prince, and hence there were as many Kwo as there were princes. Thus we read that there were ten thousand Kwo under Hsia, and about three thousand under Yin. In earlier Chow, there were 1800 of them, which, by mutual wars, had been reduced to some 160 by the time of Confucius. The process went on apace until they dwindled to twelve, and then to seven, and finally to the one Kwo of Ts'in. The emperors of the Han dynasty likewise called Kwo the nominal fiefs of the princes, in distinction from Kiun which were under a more direct control. Far different from



the Kwo was the *Chu* (州), which seems to have been a constant local unit under each dynasty, quite independently of administrative changes in the principalities. It was the largest division before Ts'in, as we are told that there were nine Chu then.<sup>1</sup> Ts'in seems to have dispensed with this division, but it reappeared after Han, which had thirteen of them. Ts'in had nineteen. It was after the Sui dynasty that the number of Chu greatly increased and became interchangeable with Kiun. Under the Tang the same characteristics continued, there being at one time 252 Chu, at another 315 Chu, and at still another, 328 Kiun. The *Kiun* (郡) included *H'ien* (縣) only after Ts'in,<sup>2</sup> before which the latter comprised the former.<sup>3</sup> The *Ts'un* (村) was a general name for a hamlet or a village, and was seldom an administrative unit. Although the *Li* (里) conveys an idea of a more advanced village than the Ts'un, and even a town, it became, in its later stage, when the family relationship in the community must have been largely broken up, an arbitrary unit, consisting of a certain number of houses, and discharging local police functions. Thus, under the Chow kings, one section of the royal domain made twenty-five houses<sup>4</sup> a Li, and under the Han and Tang dynasties one hundred houses formed a Li. When the Li was so organized, the *H'iang* (鄉) was usually a multiple of Li, thus sharing the arbitrary character of the latter as an administrative unit.<sup>5</sup>

<sup>1</sup> Yao's Chu, however, numbered thirteen.

<sup>2</sup> We read that in the dukedom of Ts'in alone there were forty-one *h'ien*, while the whole Empire was divided into thirty-six *kiun*. Under the Han, there were at one time 1587 *h'ien* under a certain number of *kiun* and *kwo*. The Empire of Tang comprised at one time 1262 *h'ien* under 252 *chu*, and at another 1573 *h'ien* under 328 *chu*.

<sup>3</sup> The royal domain of Chow was divided into 100 *h'ien*, each of which comprised 4 *kiun*. The *h'ien* occurs also in several different uses under the Cheu.

<sup>4</sup> Twenty-five in five *lin* (隣) of 5 houses each.

<sup>5</sup> 1. In Han, ten Li formed a T'ing and ten T'ing, or, 1000 houses, a H'iang.

Under the Chow, however, the H'iang had various uses, which need no reference here. Now, with these preliminary definitions, we are prepared to discuss the territorial organization under the dynasties previous to Ts'in.<sup>1</sup>

Little is known about the period prior to the Hsia dynasty, save that there were at one time nine and at another twelve or thirteen *chu*. The history of the kingdoms of the three successive dynasties of Hsia, Yin and Chow, is popularly known as the period *fāng-kiū* (封建), in contrast to the new State-system of Ts'in which superseded it and which is known as *kiūn-h'ien* (郡縣). The former word is usually translated as feudalism,<sup>1</sup> and the latter, which consists of the names of two local units, is made to imply a more direct and centralized form of government. We shall now see if this usage of the terms is justifiable.

The Hsia Kingdom seems to have used two systems of local division side by side, namely, the 'chu' (州) and the 'fu' (服), which were reduced to a single system probably under the next dynasty. Of these, the *chu*, nine in number, were old divisions now beginning to be purely local names, while the five *fu*, somewhat smaller in extent, were probably created anew for administrative purposes. It is in the latter system that we may observe, if any, germs of feudalism. In it, also, is found the distinction between the royal domain and the outside provinces,—a distinction which has been persistently applied in China in one modification or another, even by such strictly non-feudal Empires as Ts'in and Ts'ing,<sup>2</sup> and which was transplanted into Japan after the Reform. The division

There are said to have been over 29600 *t'ing* and 6600 *h'iang*. During the earlier T'ang, five Li, or, 500 houses, formed a H'iang.

<sup>1</sup> *Fāng* means, as a verb, "to enfeef," and, as a noun, "a fief." *K'ien* means "to establish."

<sup>2</sup> The Kiun of Nei Shi of Ts'in, and the Shāng of Chili of Ts'ing.

of *fu* under the Hsia dynasty is described in the Shu King as follows :—

“ Five hundred ‘li’ formed the Domain of the Sovereign.<sup>1</sup> From the first hundred they brought as revenue the whole plant of the grain; from the second, the ears, with a portion of the grain; from the third, the straw, but the people had to perform various services; from the fourth, the grain in the husk, and from the fifth, the grain cleaned.

“ Five hundred ‘li’ beyond constituted the Domain of the Nobles.<sup>2</sup> The first hundred ‘li’ was occupied by the cities and lands of the (sovereign’s) high ministers and great officers;<sup>3</sup> the second, by the principalities of the barons;<sup>4</sup> and the (other) three hundred, by the various other princes.<sup>5</sup>

“ Five hundred ‘li’ still beyond formed the Peace-securing Domain.<sup>6</sup> In the first three hundred, they cultivated the lessons of learning and moral duties; in the other two, they showed the energies of war and defence.

“ Five hundred ‘li’ (remoter still) formed the Domain of Restraint.<sup>7</sup> The (first) three hundred were occupied by the tribes of the I; the (other) two hundred, by criminals undergoing the lesser banishment.

“ Five hundred ‘li’ (the most remote) constituted the Wild Domain.<sup>8</sup> The (first) three hundred were occupied by the tribes of the Man; the (other) two hundred, by criminals undergoing the greater banishment.”<sup>9</sup>

In this passage, it does not appear how and by whom the last three Domains (*fu*) were controlled. As it stands, it would seem that the first two were the most important. Behind the obscure and concise language, we see in the one a royal domain sending its tributes to the king, and in the other,

<sup>1</sup> 甸服.      <sup>2</sup> 侯服.      <sup>3</sup> 采.      <sup>4</sup> 男邦.      <sup>5</sup> 諸侯.      <sup>6</sup> 綏服.

<sup>7</sup> 要服.      <sup>8</sup> 荒服.

<sup>9</sup> *Shu King*, III-i-2. Legge, *S. B. E.* (Am. Ed.) IV. 75-6.

lands allotted to the ministers, barons and various princes. It would be impossible to penetrate beyond the wording of the passage and to speculate of the actual organization of these two Domains. The lands of the various princes were, as has been stated, called *Kwo*, of which it is said there were at one time ten thousand. Divide this round number by any divisor as you wish, it remains that in some way the second and probably the other Domains must have been minutely divided between the princes. It was these princes who rebelled whenever wretched kings came to the throne, and it was one of them who finally rallied to his side numerous fellow princes and overthrew the dynasty.<sup>1</sup> We may suppose that, whether feudel or no, the princes, owing probably to the vast extent of the country and to the consequent lax control from its centre, enjoyed a measure of independence in subsistence and in arms, which when occasion favored was used to the best advantage by its owners.

The Kingdom of Yin retained the nine *chu*, but seems to have discontinued the five *fu*. One *chu* was the royal domain<sup>2</sup> and the other eight were now each divided into about 210 *kwo*. The latter were classed in groups of fives, tens and thirties, each of which had its head.<sup>3</sup> The entire *chu* was under the rule of a Poh.<sup>4</sup> The eight Poh of the eight *chu* were under the supervision of two central Poh. The King, besides, appointed royal officers to oversee the local government.<sup>5</sup> The princes were as turbulent under Yin as under

<sup>1</sup> The *Shi K'i*, II.

<sup>2</sup> 王畿

<sup>3</sup> Five *kwo* formed a 屬, with a 長 at its head; ten formed a 連 under a 帥; thirty a 卒 under a 正. See Ma Twan-lin (馬端臨), *the Wen Wen Tung K'ao* (文獻通考), CCLXI, 1. (Imperial edition of 1748.)

<sup>4</sup> 伯.

<sup>5</sup> From the *Li K'i*. In K. Okamoto (岡本監輔), the *Ban'oku Tsuten* (萬國通典), V, 26. Also Ma Twan-lin, CCLXI 1.

Hsia, and by their obedience and disloyalty the virtue of the succeeding kings was measured. One of them at length collected 800 of his colleagues and defeated the last king of Yin. The same general remarks may thus apply to the princes of this dynasty as to those of the preceding.

The territorial organization of the Chow Kingdom is perhaps the most difficult to understand, and we shall have to content ourselves by pointing out only some of its main features that concern our problem. The country was again divided into nine parts,<sup>1</sup> first called Ki (畿) and later Chu, one of which was the royal domain (the Wang-Ki)<sup>2</sup> The five-*fu* system of Hsia was resuscitated, but it seems to have never assumed as important a position as under that dynasty. Now, the royal Ki on the one hand and the other eight Ki on the other were somewhat differently organized from each other. In each of the latter there were 210 *kwo* between wide intervals.<sup>3</sup> The *kwo* were assigned to the princes of five grades,<sup>4</sup> while the intervening lands were partly added to the charge of neighboring principalities<sup>5</sup> and partly reserved to the king. The income<sup>6</sup> of the princes varied from one-fourth to one-half of the issue of local taxation, which, as will be seen later on, was nominally uniform throughout the country. The royal domain was elaborately divided into six concentric circuits,<sup>7</sup> with their minute subdivisions. The highest officers of

<sup>1</sup> The territories of the different *chu* were not however identical with those of the preceding dynasties.

<sup>2</sup> 王畿.

<sup>3</sup> 附庸. 間田.

<sup>4</sup> 公 and 侯 30 *kwo*, 伯 60 and 子 and 男 120.

<sup>5</sup> Thus the normal extent of the jurisdiction of the princes was as follows:—公 500 square *li*, 侯 400, 伯 300, 子 200, and 男 100. The *li*, like other Chinese measurer, lacks uniformity. The present *li* is 2115 feet, or about  $\frac{2}{3}$  English mile.

<sup>6</sup> 食.

<sup>7</sup> 王城, 郊, 甸, 稍, 縣, and 都

the State of three grades<sup>1</sup> and the men of the royal family of also three degrees of kinship<sup>2</sup> were allotted lands at a fixed rate within the three outer circuits, corresponding to the fiefs of the princes of the other Ki,<sup>3</sup> with this difference, however, that the former comprised 63 *kwo* instead of 210 as in each of the latter. The public and intervening lands were, in the royal domain, under the charge of specially appointed royal officers.<sup>4</sup> Alike in the royal Ki and in the others, most of the allotted lands were held in hereditary succession by the holders, of whom there once were, it is said, about 1800. We saw in the first section of this chapter how these *kwo* came to struggle against one another, some for existence and others for supremacy, and how they were gradually absorbed by stronger *kwo*, whose number in three centuries ending with 221 B.C. fell from about one hundred and sixty to twelve, then to seven, and finally to one Ts'in which at last unified the whole country. Not only were the symmetrical divisions of local units obliterated during those years of great commotion, but there grew apace all over the land many essential features of feudalism, — contract, commendation, infeudation, and vassalage. For this and other reasons the age of Chow forms one of the most fruitful fields of study in Chinese history.

If we now return to the passages quoted from the *Shi K'i* at the beginning of this section, the alleged remarks of Li Sz' and the First Emperor regarding the new organization of the Empire would seem perfectly intelligible. They were aimed against the evils of hereditary installation of semi-independent princes, and expressed the desire of placing the whole Empire

<sup>1</sup> The 王 and three 公 each 100 *li*, 卿 50 *li*, and 大夫 25 *li*.

<sup>2</sup> 王親子弟 each 100 *li*, 王次親子弟 50 *li*, and 王疏子弟 25 *li*.

<sup>3</sup> The 三公 corresponded to the 公侯, 卿 to 伯, and 大夫 to 子男.

<sup>4</sup> Okamoto, op. cit., VI. 4-5, V. 4, 26-7, VII. 4-5, VIII. 12, a and x. 6-7. Cf. Ma Twan-lin, CCLX, 20.



under the direct control of its sovereign. The *Shi Ki* then goes on to describe in what a drastic manner this greatest of tyrants carried out his plan. The whole land was divided into thirty-six Kiun of unequal sizes, and over each of them were placed three imperial officers who restrained one another. Each Kiun again was divided into several H'ien, which were also under charge of salaried officers.<sup>1</sup> The units Kiun and H'ien were not uncommon under the later Chow, when various princes called by these and other names the districts and fiefs into which their domains were divided,<sup>2</sup> but Ts'in now gave them a new significance by freeing them from feudal ties and giving them a universal application. Rough as our sketch is, evidence seems sufficient to show that the First Emperor may justly be called the first sovereign who in a thorough-going manner sought to reconstruct the State-system on a strictly non-feudal basis.

(3) Law. The notion of law in China, as in all other countries, eludes clear analysis. It originated partly from custom and partly from the authority of the ruler. It was as often premonitory as it was prohibitory, and as often encouraging good as forbidding bad conduct, and this double capacity of law was more noticeable in earlier periods than in the later.<sup>3</sup> Again, the criminal side of law seems to have developed in China earlier than the civil. During the last few centuries of the Chow dynasty, different princes enforced their own laws,

<sup>1</sup> The *h'ien* with over 10,000 houses was under a governor whose salary was between 600 and 1000 *shi* of rice. The smaller *h'ien* was under a governor with 300 to 500 *shi*. Every *h'ien* had, besides, a military governor with 200 to 400 *shi*. Lin H'ü (劉勰), the *T'ang Shu* (唐書). Ed. 1884. XLIV. 55, comment.

<sup>2</sup> These units were 郡, 邑, 縣, 鄙, &c. The local governors bore names that differed from place to place. Ts'i and Tsin called them 大夫, Lu and Wei 宰, Ts'u 公尹, and Ts'in 令 and 長. Ibid.

<sup>3</sup> See for instance the *Shu King* IV-vii-1.

which, as might be expected, showed a strong tendency to increase in severity. The position of the Ts'in dynasty in the history of Chinese law may be defined by two words, severity and uniformity. Severity of punishment was bequeathed from the preceding age and was now intensified. As to uniformity of law, it had not been unthought of, but could hardly have developed during the period of great disintegration.<sup>1</sup> It needs no repetition here that it was Ts'in that most eagerly carried the Lao-Han doctrine of law into practice. Its greatest exponents, Shang Yang, Li Sz' and Han Fe, took part in its active operation, and some of them, indeed, fell victims to the legal machinery which they themselves erected. The vigorous enforcement of the law of Ts'in has passed into history as unequalled.

(4) Agricultural policy. The traditional policy of China regarded agriculture with greatest respect and care, while deprecating commerce as based on one-sided and ill-gotten profit.<sup>2</sup> The latter was, therefore, often an object of heavy imposition.<sup>3</sup> It was also not unusual for the government to regulate prices,<sup>4</sup> oversee markets,<sup>5</sup> and even to undertake

<sup>1</sup> One of the monuments erected in the twenty-eighth year of his reign by the First Emperor to commemorate his merits says:—古之五帝三王. 知教不同. 法度不明. 假威鬼神. 以欺遠方. 實不稱名. 故不久長. 其身未殛. 諸侯倍叛. 法度不行..... (Shi K'i, VI. 17.) M. Chavanne's excellent translation is subjoined:—

“ Dans l'antiquité sous les cinq empereurs et trois dynasties, les connaissances et les enseignements n'étaient pas uniformes;—les lois et les mesures n'étaient pas claires. Ils feignirent d'avoir un prestige comme celui des génies et des dieux—afin d'en imposer aux contrées éloignées. La réalité ne répondait pas à leur renommée;—c'est pourquoi ils ne subsistèrent pas longtemps. Ils n'étaient pas encore morts—que les seigneurs se révoltaient—et que leur lois et leurs ordonnances n'étaient plus en vigueur.”

<sup>2</sup> Agriculture was 本業 and commerce 末業.

<sup>3</sup> Chow at first did not tax commodities, but taxed slightly shops and stores. Imposition was, however, later greatly increased.

<sup>4</sup> Chow had special officers for the purpose.

<sup>5</sup> Chow had three markets during the day, each of which was assigned to a

actual trading on a large scale,<sup>1</sup> in order to forestall the avarice of the merchants. Tsin went further, for her policy in regard to commerce was not one of control, but almost of extermination. The same Shang Yang who encouraged agriculture is said to have arrested merchants and made them slaves. The First Emperor is also recorded as having ordered all those who were or had been merchants, or whose parents or grand parents had been such, to be exiled to the frontiers and employed in the garrisons there.<sup>2</sup> As determined seems to have been Tsin's encouragement of agriculture, but this must be discussed in connection with her land-tenure.

(5) Land-tenure. Great importance must be attached to this subject, not only because of its peculiarity, but also because of the great influence its history has had on China and consequently on Japan after the Reform. Tradition says that under Hsia each housefather<sup>3</sup> was allotted 50 *mou* of arable land, and ten of these lots formed a group. Necessarily the qualities of land and other considerations must have caused many variations from the rule, nor can we be sure that the rule was universally and rigorously enforced, but the main idea of dividing the whole arable land into bits of approximately equal value and assigning them one by one to individual families, and then grouping the latter in an arbitrary number of houses, —the idea which was always firmly believed by the Chinese to have been real, and which has profoundly influenced sub-

particular class of dealers. Nobility were not allowed to take part in them, while the merchants and artisans might not enter official life.

<sup>1</sup> Chow did it. During the Spring and Autumn period, Tsi followed the example. Later, Wei successfully adopted the policy. In all these cases, grain was the main article of government trade.

<sup>2</sup> Okamoto, VIII. 3. Cf. Ma Twan-lin, XX. 1.

<sup>3</sup> We feel justified in translating 夫 as house-father, not as man. See p. 199 note 1, below.

sequent ages, —will lead us to suppose that the State had already made a considerable encroachment upon the tribal organization of the people, and assumed the task of keeping their material well-being as much as possible on the basis of equality. Yin went a step further, and introduced, or, perhaps, developed, the famous system of *Tsing-T'ien* (井田), which divided each piece of arable land of 630 *mow*, in the shape of the character 'tsing' (井), into nine parts of 70 *mow* each, the central one of which was public and tilled in common by the eight families, to whom the other eight parts were assigned.<sup>1</sup> There is said to have been periodical redistributions of land. Chow adopted a similar method, and developed it in an elaborate system of organization. The normal share of each house-father was now 100 *mow*, but the historians since Mencius have said that, owing to the varying size of the *mow*, 50 *mow* of Hsia, 70 of Yin and 100 of Chow, were nearly equal to one another.<sup>2</sup> 100 *mow* was, however, the share of a family from the best grade of land, for lands of inferior grades were parcelled into shares of twice or three times that size, where rotation of crops in every two or three years was necessary.<sup>3</sup> It appears that, when such a graded allotment was not possible, better lands were given to larger families.<sup>4</sup> The people between twenty and sixty years of age were under obligation to

<sup>1</sup> The arrangement is not however very clear, as we are told that each family was given as its house-lot two and a half *mow* in the public land and two and a half in the village (邑).

<sup>2</sup> The present *mow*, which varies from place to place, is about 1/6 or 10/61 acre. 100 *mow* of Chow would be equal to about 26 acres or more. One *tsing* (1000 *mow*) was one square *li*.

<sup>3</sup> These were called 易田. The term was copied by the Reformers of Japan.

<sup>4</sup> We base this conclusion on the statement that the houses with best lands could furnish three soldiers each, and those with lands of the next grade, five soldiers from every two houses, while those with still inferior lands, two soldiers each. See Okamoto, X. 6-7. Also see Ma Twan-lin, I. 10-11.

till the soil, while those above and below these limits were, in law, taken care of by the government. At sixty years of age, one's land was transferred to his heir, or in default of an heir reverted to the government.<sup>1</sup> In some places, at least, the *tsing* was cultivated by eight houses in common, without regard perhaps to strict lines dividing one lot from another.<sup>2</sup> We need not go into the elaborate and symmetrical organization of the numerous *tsing* in the royal domain and in the other *Ki*.<sup>3</sup> As to the financial obligations of the people in *tsing*, it will be presently discussed. Now, it would be interesting, as well as immensely difficult, to investigate from the ancient records how well or how ill this system withstood the wear and tear caused by the active process of infeudation and aggrandisement that became more and more universal after the sixth century B.C. Mencius, in the fourth century B.C., continually dwelt on the evils of evicting and dispersing the people, and advocated restoration of the *tsing-t'ien* system. It may not be too much to suppose that the system had been nearly extinct for some time. The policy of Ts'in, as has been

<sup>1</sup> The question whether the allotments were given to individual men or individual house-fathers would probably raise a storm of discussion. I assume, pending a better solution, that the latter was the general rule, while the system of assigning better lands to larger families must have given a considerable latitude to the number of males in the family. One difficulty with this hypothesis would be the custom of allowing the younger son 25 *mow* at his sixteenth year and giving him finally full 100 *mow* when he is over twenty and is married. But it might be supposed that the last clause meant when he formed a new family and became its master, and this theory we can support by the fact that, along with the 100 *mow*, he received 5 *mow* as house-lot. He must build a house of his own. The size of the family was probably not so great as in Japan of the eighth century. (See *DK*, I & II.) Finally we can adduce the frequent statement that each *tsing* had in it on the average eight houses,—not eight men of full estate.

<sup>2</sup> Okamoto, VII. 5.

<sup>3</sup> Some places, owing to the configuration of the soil, made the *tsing* arrangement impossible, e.g., in the six 郷 and six 遂 in the royal domain.

quoted under the date of 350 B.C., has been interpreted by the historians of China to mean that the *tsing* was then abolished, and roads were constructed without regard to the former divisions of land.<sup>1</sup> But we must remember that the text in the Shi Ki has no reference to the *tsing*. Furthermore, we cannot be confident that the *tsing* had ever been in actual existence in all parts of the semi-barbarous region of Ts'in, nor that, if it had, it was now for the first time abolished by a decree. It is at least easier to suppose that the Duke, in his policy of encouraging cultivation of new lands, built roads and paths across the fields and wastes, and that, as to the *tsing*, he now neither adopted nor restored it.

(6) Taxation. The *Shu King* tells us how during the reign of Yao two forms of imposition, both in kind, were levied upon the people. They were tithes and tributes.<sup>2</sup> The latter were levied in nine descending scales, according to the nature of the soil and degree of cultivation. They are said to have varied from one-fourth to one-half of the produce, and been yielded either by the entire *chu* or by its sections, and either somewhat regularly or by royal request. The tithes were literally one-tenth of the issue of the soil, and were uniform throughout the five *fu*.<sup>3</sup> The Hsia dynasty retained the tithes. From Yin onward, taxation must have been greatly facilitated by the *tsing-t'ien* arrangement, in which the central piece of land in each *tsing* was cultivated by the eight houses and its issue went to the State. The system of Chow is more fully stated. The obligations imposed by her on the people were two-fold: taxes and military duties. The former were tithes

<sup>1</sup> Probably the *T'ung K'ien Kan Mu* and the *T'ung K'ien Tsi Lan* are responsible for the origin of this interpretation. See Chavannes, II. 66, note 2.

<sup>2</sup> A free translation of 賦 and 貢.

<sup>3</sup> *Shu King* III-i-i. Okamoto, VI. 4. These points must of course be regarded as more traditional than authentic.



and tributes, as under Yao, of which the latter were levied mainly from the private and the former from the public pieces of land. The tithes, again, are said to have supplied expenditures of the State, and the tributes met principally military outlay. These taxes were paid either in grain or in cloths, and besides them forced labor was another common obligation, thus foreshadowing the later *tsu* (租), *tiao* (調) and *jung* (庸), which came to Japan during the Reform under the names *so*, *chô* and *yô*. As to the military duties of the people, let it suffice here to say that a large percentage of the male population was under obligation to submit themselves to periodical drills in the different localities, that they had to furnish a large part of their weapons, and that as yet there were few professional soldiers and no permanent war officers. Such were the conditions in the earlier years of Chow.<sup>1</sup> Later they must have materially changed under the stress of universal warfare. It is not strange, therefore, that Ts'in is said to have instituted a permanent generalship in the central government, and raised taxes on land, person, salt and iron, nearly twentyfold,<sup>2</sup> for a stronger organization in army and in finance would have been a natural outcome of the age of strife. We know, however, very little about the system of taxation of Ts'in. The passage from the *Shi Ki* that we quoted at the beginning of this section merely hints that there were made some innovation in the system.

In summing up the content of the preceding paragraphs, it will be seen that, of the six questions that have been under discussion, Ts'in's imperial policy, as opposed to the feudal regime, is indisputably seen in the matters of the imperial title, territorial organization and uniformity of law. As to her treat-

<sup>1</sup> Okamoto, VI. 4-5, VII. 4-5, X. 6-7. Ma Twan-lin, CXLIX.

<sup>2</sup> Okamoto, VI. 5, X. 7. Ma Twan-lin, I. 21.

ment of agriculture, land tenure and taxation, it shows the working of the hand of a despot, not necessarily of an emperor. Indeed it must be said that it was the purpose of perpetuating her despotic dynasty that caused the imperialism of Ts'in. In this she lamentably failed, for her drastic measure of dividing the empire into non-feudal units under mutually restraining officers proved too hasty to efface the fresh memory of feudalism, and her rigorous laws and severe taxes were resented by the people, while her system of free cultivation is said to have caused great inequality and misery among the peasants.<sup>1</sup> The glory of the great Ts'in Empire did not last full two decades; the Han dynasty overthrew it in 206 B.C. Yet, the notion of imperialism, once implanted in China by the First Emperor, has never since been forgotten.

Let us now make an attempt to trace the line of evolution, from Han to T'ang, of the political philosophy that had developed in China prior to the foundation of the Ts'in Empire and of the new doctrine introduced into her history by the First Emperor. The main object being always to look for the Chinese origins of the Japanese Reform, our survey will be very imperfect as a study on China herself, and will also be centered around those subjects alone which most concern our purpose. These subjects may be classed under three large headings of land and taxation, local government, and central government.

I. Land and taxation. The founder of the Han dynasty abolished the burdensome land-tax of Ts'in, and in its place levied one-fifteenths of the issue of the land, which was in the Later Han reduced to one-thirtieth, owing to the increase made

<sup>1</sup> The rent of the tenant averaged fifty per cent. See Ichimura and Takikawa, *The Shina Shi*, II. 61. (市村震次郎 瀧川龜太郎 同著 支那史. Edition 1893.)

in other taxes.<sup>1</sup> It will be remembered that at the same time the inequality of land-holding had already caused a widespread practice of renting lands at high rates, and hence the lightening of the land-tax could not have benefited the lowest classes of peasants. Han also imposed an annual capitation of 125 *ts'ien*<sup>2</sup> for those between fifteen and sixty-five years, and of 20 *ts'ien*, between ten and fifteen years, of age. This was also later reduced to 40 *ts'ien* in three years. During the costly reign of the war-like Emperor Wu (140-87 B.C.), several additional taxes were introduced, but they seem to have been soon abolished. During the Later Han dynasty, owing to the depreciation of coins, cotton and silk cloths were substituted for them as capitation. When the Empire was again split into independent kingdoms, the ruler of Wei imposed a tax of (1) four *shān*,<sup>3</sup> of rice in the husk on each *mo* of cultivated land, and (2) two *p'i*<sup>4</sup> of silk and two *kin*<sup>5</sup> of cotton on each household.<sup>6</sup> This seemingly slight modification, which was probably neither original nor very heavy at the time, has since become a persistent institution in China, and as such was transferred to Japan during the Reform, for the *tsu* (租), or land-tax in rice, and the *tiao* (調), or house or personal tax in cloths, were now so clearly marked. Add to them the *yung* (庸), that is, forced labor, which, except in its later characteristic of being convertible to a payment in kind, had been in use from time immemorial, and the list of the three main forms of Chinese taxation in its fuller development will be complete.

The people of Han also, like those of some of the earlier

<sup>1</sup> Ma Twar-jin, I, 21 and 24.

<sup>2</sup> The so-called *mace*, now equivalent to about 58 grains of silver.

<sup>3</sup> The present *shān* is about a pint.

<sup>4</sup> The length of a *p'i* has much varied.

<sup>5</sup> *Catty*. Officially, it is now 1-1/3 lb. av.

<sup>6</sup> Ichimura and Takikawa, II, 61-2.

dynasties, had to perform police functions,<sup>1</sup> for which purpose houses were organized in multiples of five.<sup>2</sup> This is another system that has been adopted by Japan through T'ang.<sup>3</sup>

The notion of equal allotment of land was resuscitated under the Tsin dynasty (3rd and 4th centuries A.D.), but this time not in its *tsing* system, in which, as we think we have demonstrated, land was assigned to families as units. We consider it highly significant that, after the lapse of a long period between the fourth century B.C. and 246 A.D., during which little restraint could be imposed on the people in their free transactions in landed property, the practice of individual ownership in land should have been so developed, that when the system of its equal allotment was once more enforced the shares were bestowed on persons, and not families.<sup>4</sup> The significance of this change will increase in the student's mind as he sees what a profound effect the new system has had in Japan after it was there once introduced. In Tsin, the male between sixteen and sixty years of age was charged to cultivate 50 *mu*, the female of the same age 20 *mu*, and the minor from thirteen to fifteen and the senior from sixty-one to sixty-five, 25 *mu* each. The normal annual taxes for the male in full estate living near the centre of the Empire were 150 *shang*, (i.e. 3 *shang* per *mu*) of rice in husk and 3 *p'i* of silk and 3 *kin* of cotton, while others receiving lands paid half the amount. The people of remoter regions are said to have paid less. It appears also that the quoted numbers of *mu* in-

<sup>1</sup> Paid police-men are practically non-existent in China. Some are privately employed by the local officers, while the village itself performs a large part of police-function.

<sup>2</sup> 5, 10, 100, 1000, and 10000. 伍 (with a 長), 什 (with a 長), 里 (with a 魁), 亭 (with a 長), and 鄉 (with officers, both salaried and unsalaried, for collection of taxes, police, and instruction).

<sup>3</sup> In T'ang, 100 houses formed a Li (里), and 5 li a H'iao (鄉).

<sup>4</sup> We are not aware whether this explanation has ever been offered.

licated the quantities of land which persons were by law bound to cultivate, while the maximum set for the extent of occupation seems to have been 70 *mō* for a man and 30 for a woman. It is not known whether periodical redistribution was in any way carried out. This and other similar methods of land allotment are known as the *Kiun-Tien* system (均田法), system of equal division, in contrast to the 'tsing-tien,' which implies the existence of a public land to be tilled in common by the families sharing the rest of the 'tsing.' The latter, with its generally fixed number of shares and *mō*, could not have been applied to the stage of society where individual ownership of land is a matter of common knowledge, to which the more elastic and expansive system of the 'kiun-tien' would be far more adaptable.<sup>1</sup>

The kingdom of Later Wei further improved on this system by combining with it the notion of an ownership for life. The male between eighteen and sixty years of age received 40 *mō* of unplanted lands subject to annual redistribution, together with 20 *mō* which were to be planted with mulberry-trees and to be held for life; the female of the same age received only 20 *mō* of unplanted lands. As in *chozo*, allotment was increased in case rotation of crops was necessary. The kingdom of Northern Tsi gave in a similar way 80 *mō* to a male and 40 to a female, besides 20 *mō* of life-land to the former. The kings of Later *Chozo* modified the system slightly by assigning 140 *mō* to a married male and 100 to an unmarried one of full age.<sup>2</sup> The annual taxes were, in the three kingdoms, 3 to 5 *shang* of rice per *mō* and about one *p'i* of silk and eight *liang*<sup>3</sup> of cotton per man. Besides these two forms of imposi-

<sup>1</sup> See the preceding page note 4.

<sup>2</sup> Hence it would seem that the older family-unit notion was reintroduced to modify the new system. Life-land is not mentioned.

<sup>3</sup> The *liang* is the so-called *tael*, which is to-day  $1\frac{1}{3}$  oz. av.

tion, forced labor for about twenty days during the year was common during the fifth and six centuries.

In addition to these obligations, the people, since the period of Chow, performed military duties by conscription. Although the latter system must have decayed during the later Chow, it was brought again to life by Ts'in and Han. Han in time of peace drilled able-bodied males between twenty-three and sixty-five years of age, and required service in rotation in the central guards or frontier garrisons for the period of one or two years. There were also substitutes and mercenaries in the provinces.<sup>1</sup> It was often customary in the later kingdoms to remit taxes in whole or in part from the people serving in the army.<sup>2</sup> The Empire of Tang required military training of all the male population between twenty and sixty years of age. Those who took to actual service were obliged to furnish the greater part of their weapons and provisions. The guards of the Capital are said to have relieved one another every month, but after the eighth century they gradually became hereditary. Still later the soldiers in the frontiers, under their leaders, became formidable bodies of professional warriors and greatly disturbed the peace of the Empire. In the local regions alone the semblance of universal conscription was kept up for some time longer.

The system of land allotment was most elaborately developed by the Emperor of Tang of 624. All males above eighteen years of age were allotted one hundred *mow* each, eighty of which, called the K'ow-Fan (口分田),<sup>3</sup> were subject to annual redistribution, and the other twenty, or, the Yung-Yeh (永業田)

<sup>1</sup> Later in the same dynasty, the guards became hereditary, while during the second Han they came to be controlled by eunuchs. Okamoto, X, 7-8. Ma Twan-lin, CL., CLV. and CLVI.

<sup>2</sup> Western Wei, for instance.

<sup>3</sup> The 'kubunden' of the Reformed Japan.



were a permanent possession. The latter were inherited through generations, and not liable to confiscation even in case of a crime. The aged and the sick received each 40 *mow*, and widows 30, with additional 20 in case they were heads of families. The more important central officers were given permanently pieces of land under the same tenure as the hereditary 20 *mow* of the common people. This institution was not imported into Japan, as were the 'kung-kie' (公廩田)<sup>1</sup> and the 'chih-fan' (職分田),<sup>2</sup> the first being lands supplying resources of public expenditure in each 'chu' and the second being allotted in fixed grades to the higher provincial officers civil and military. The people were under obligation to plant on some of their lands certain trees of fixed numbers. The lot was as a rule assigned near the residence of the recipient, and was often smaller than its normal size when the village itself was small in extent in proportion to its population.<sup>3</sup> In case of absolute necessity a poor person might sell his hereditary share, and even the *k'ow-fan*, might be sold if he was to move from a narrow to a wide village.<sup>3</sup>

The taxes of *T'ang* were distinctly classed under the three varieties, rice-tax (*tsu*, 租), tributes in kind (*tiao*, 調), and forced labor (*yang*, 庸). The first tax of the full grown male receiving 100 *mow* of land was 200 *shang* of rice in the husk, and the tributes consisted of 2 *pi* of ordinary silk and 20 (Chinese) feet each of two other varieties of silk, together with 3 *liang* of cotton. Instead of silks and cotton, one might yield cotton-cloths and hemp. In case of necessity, silver could be substituted for these articles. The forced labor averaged twenty days during the year, but if public work required more labor,

<sup>1</sup> The 'kugeden' and 'shikibunden,' respectively, of the Reformed Japan.

<sup>2</sup> This distinction between wide villages (寬郷) and narrow ones (狹郷) was also adopted in Japan.

<sup>3</sup> Liu H'ü, *T'ang Shu*, ed. 1884, XLIII, 12. Also Okamoto, VI, 5.

the worker was remitted of his tributes for fifteen and of his rice-tax as well for thirty additional working days, and in no case was he obliged to labor for more than fifty days in all. One was permitted under certain conditions to commute his labor into payment in kind at the rate of 3 feet of silk per day, and the term *yung* was oftener applied to the revenue from this source than to labor itself. The *yung* and *t'iao* were collected in mid-autumn and forwarded to the 'chu' government later during the season, but the *tsu* was to be paid in at different times after mid-winter in different places, according to the time of the harvest of each locality. The income of each year's taxes was published by the village officers. Decrease of harvest caused by drought, flood, frost, or locusts, was met by reduced rates of taxes: the *t'iao* was remitted for a damage of mulberry-trees and cotton; the *tsu*, for a loss of 40% of normal harvest of rice; both the *tsu* and *t'iao*, for a loss of 60%, and all the three taxes, for a loss over 70%.<sup>1</sup> Japan borrowed every one of these ideas.

Such an elaborate system of taxation naturally was accompanied by a frequent taking of census. The latter was made in two different sets of documents, i.e., the 'Ki-chang' (計帳) and the 'hu-tsi' (戶籍). The difference between the two, if we may judge from their reproduction in Japan, seems to have been that the latter was a simple statement of actual population, while the former indicated the status of each individual of the family in regard to his obligation in taxation, and added tables showing the number of the taxable and untaxable people, either with or without revenue estimates due from the former class of people.<sup>2</sup> In other words, the 'hu-tsi' was a census record poor and simple, and the 'ki-chang,' a census with reference to taxation. The former was made once in three

<sup>1</sup> Liu H'ü, XLIII, 12-3. Okamoto, VI, 5. Ma Twan-lin, II, 19-20.

<sup>2</sup> See *DK*, I, & II. *Y*, XXV. (*KT*, XIII, 763 et seq.)

years and the latter every year, and the copies of both were presented to the central government.<sup>1</sup>

Here may be noted another important institution, that of exemption and immunity from taxation. It seems to have originated in the earliest times, and gradually extended its scope until it comprised, under the T'ang, classes of persons very different from one another in their character. In the first place, it was true to the ancient lore of China to exempt from taxes for a period filial sons and grandsons, devoted husbands and constant wives, and those whose modest and virtuous lives were an object of the loving respect of their neighbors.<sup>2</sup> A similar favor was bestowed upon children of meritorious subjects and upon profound scholars. The aged, the sick, the exiled and the barabrous were often likewise treated. All these cases are intelligible, but it will be only after we shall have seen something of the highly organized bureaucracy of the T'ang government that we may understand that, not only the relatives of the Emperor, but also all the nobility of blood and office, enjoyed immunity from taxation.<sup>3</sup> This last feature was calculated to do immense mischief in Japan where it was introduced after the seventh century.

While the whole system of taxation in T'ang was based on her land-allotment, the latter, as a matter of fact, had fallen into desuetude before the eighth century was half over. It would be highly interesting to study how the system of equal assignment of land had thus been defeated by the actual economics of society and ended again in producing considerable inequality among the people. The institution of the *yung-ych*, permanent holding, must have formed a kernel of

<sup>1</sup> Liu H'ü, 12.

<sup>2</sup> Liu H'ü, XLIII, 13.

<sup>3</sup> Okamoto, VI. 8.

gradual aggrandisement of the fortunate and the strong, while the *chih-fan*, or, office-land, and other holdings of the magnates are said to have come to be an instrument of oppression and eviction. Under these circumstances, the three-fold taxation could not be maintained in its original form, and in its place a half-yearly tax was invented during the third quarter of the eighth century, which was finally systematized in 779. This system regarded no distinctions of persons or of age, of the tax-payers, and fixed no permanent amount of individual dues, but made assessments from actual budget and on actual population and wealth.<sup>1</sup> This must be considered a pretty complete failure of the famous system of equal land-allotment, which was destined to play an exceedingly important part in the history of Japan after the Reform.

We shall now dismiss the question of taxation by briefly discussing the position therein occupied by commerce. It will be remembered that this vocation was regarded in China with disfavor and met with interference and imposition. The policy of Ts'in to suppress commerce only resulted in raising prices. Han therefore taxed merchants more heavily than before, and excluded their children from official life. Yet the wars of the Emperor Wu caused speculation and great amassing of money among the merchants. At one time during the reign they encountered retaliation from the hands of the great farmers who influenced legislation so as to transfer all actual trade in salt and iron into the government and under their own control. The policy of regulating price and undertaking actual trade was pushed to an exaggerated extent by the government during the first quarter of the first century A.D. It ended in a dismal failure, but the doctrine survived the experiment. Toward the end of the sixth century, the long accustomed market-tax of one *ts'ien* per capita was for some reason abol-

<sup>1</sup> Okamoto, VI, 5, and other books. Ma Twan-lin, III, 4-5.

ished. At the same time all way-side shops, except salons and hotels, were suppressed. An Emperor of the T'ang dynasty who reigned from 756 to 762 employed couriers and equalized the prices of different cities, and also established government trading stations in the Empire, which are said to have bought dear and sold cheap, supplied public expenses and helped the poor. The scheme is stated to have met a great success, probably so long as it was in working order.<sup>1</sup>

II. Local government. Sweeping as was the change in the local government of T'sin, its essential principle nevertheless has left a profound mark on all subsequent ages in China, and the counteraction between the governmental policy of centralization and the natural tendency of the vast land toward the opposite direction may be said to constitute one of the fundamental problems of Chinese history. Han, coming immediately after the failure of T'sin, sought first to combine the merits of both imperial and feudal organizations, by establishing here and there, between the directly controlled districts, called *k'ün*, a few tracts of land, known as *k'ao*, given into the charge of the Imperial princes and other great men, each of whom was thus allowed to possess from fifty to seventy castles. In course of time the princes became formidable feudal lords and the Empire was in serious danger of permanent dissolution. Henceforth the policy of Han was so modified as to divide the *k'ao* frequently and on slight pretexts, and to compel the princes to delegate their powers to proxies, and themselves to reside in the Capital, merely living on their incomes from the lands. This policy was steadily carried to its logical consequences, until many princes came to be satisfied with fiefs of only a few *h'ien* in extent, while others held no more than mere titles to lands. The

<sup>1</sup> Okamoto, VIII. 4-5. Ma Twan-lin, III. 4-5.

feudalizing tendency was so completely enervated that the centre of national danger now gravitated from the country toward the Capital. Intrigues in the Court took the place of competition among the princes, and when Wang Mang dethroned the Emperor and assumed the throne early in the first century A.D., there was not a single local magnate of sufficient strength to dispute his usurpation.

On the other hand, the *kiun* was ruled by a salaried governor who was responsible to higher authorities. He visited once in every year all the districts under his jurisdiction, and inspected the conduct of their officers, on which he regularly reported to the central government. As is characteristic of China, it was a part of his duty to promote the wise and reward the virtuous. This may be taken as another manifestation of the peculiar democracy of letters and morals in China that frequently shines through the thick veil of despotism. Under the *kiun*, there were, as has been shown, *h'ien*, *h'iang* and *t'ing*, in descending scale, with their respective officers. Emperor Wu organized all the *kiun*, which were over 100 in number, under 13 *chu*, each of which was controlled by a *Ts'z'-shi* (刺史),<sup>1</sup> whose relation to his subordinates was very much the same as that of the *kiun*-governor to his inferior officers. At first his rank was proportionately lower than his high authority, but after his elevation his powers steadily grew, until under the Later Han he was a virtual prince.<sup>2</sup>

Tsin divided the Empire into 17 *chu* and 173 *kiun*. During the two centuries of great disintegration previous to the unification of Sui, as in the later centuries of Chow, the usage of the names of local units seems to have undergone consid-

<sup>1</sup> The name of the office changed more than once, but *Ts'z'-shi* was again the final name.

<sup>2</sup> Ichimura and Takikawa, II. 59-61. Okamoto, I. 13, V. 27



erable corruption, for from Sui onward the *chu* were no longer so few as thirteen or nineteen, but are as numerous as and interchangeable with the *kiun*, which were under the Tang more than 300. This latter dynasty dispensed titles to pieces of land to the Imperial princes, who in reality were comfortably housed and cared for in the Capital, bequeathing in some cases the titles to their children. The phrase, the Princes shall not go out of Court,<sup>1</sup> expressed the policy of retaining them away from decentralizing positions and distancing the Capital and the country with high walls of title and luxury. The *chu* (or *kiun*) outside the central one were classified into six grades according to their population<sup>2</sup> and strategic importance. Its governor Ts'z'-shi<sup>3</sup> had a long list of duties to perform, which well reflect the peculiarities of Chinese political lore. He was "to calm the country, supervise the officers, propagate virtues, tenderly care for the people and reconcile them to one another, encourage agriculture, spread the five teachings; to make a tour of inspection every year to observe the customs of the people, inquire after their conditions, register prisoners, give mercy to the helpless, and examine the population; to know thoroughly the sickness and other sufferings of the people;..... if there be a person of high literary attainment whose fame is well-known in the neighborhood, he shall be promoted; if there be disobedient son or brother or one who continually violates law, he shall be arrested and convicted; honest and upright officers shall be carefully observed, and greedy and flattering ones shall also be carefully observed, and be publicly praised or degraded,

<sup>1</sup> 皇子不出關. This policy was also imitated in Japan.

<sup>2</sup> The grades of population were: over 40000 houses; over 20000 houses; and less than 20000 houses.

<sup>3</sup> T'ai-shu (太守) for *kiun* and Ts'z'-shi (刺史) for *chu* seem to have been interchangeable with each other.

and those who are especially good or bad, shall be reported to the Emperor ; justice, deliberation, and providing of weapons, may be administered according to circumstances, but most remarkable signs of Nature shall be reported to the Emperor and ordinary ones to the central office,....."<sup>1</sup> The *h'ien* outside of the vicinity of the Capital were also classified into three grades, according to their importance and size.<sup>2</sup> Within the *h'ien*, 100 houses formed a *li*, and five *li* a *h'iang*. Each four houses constituted a *lin* (隣), and five *lin* a *pao* (保).<sup>3</sup>

Both the male and female population were for the purpose of taxation classified by age as follows: between 1 and 4 years of age, between 4 and 16, between 16 and 20, between 21 and 60, and over 60.<sup>4</sup>

One way of keeping the central government in touch with the local was to have each *chu* send to the Capital its envoy<sup>5</sup> regularly once in every year. He came with various annual records of taxes and local affairs and officers, and probably brought for final examinations candidates for the highest academic degrees. The envoys from all the *chu* were to be at the Capital by the twenty-fifth day of the tenth month and stay until early in the next year. Here again the distinction between the vicinity of the Capital and the outside *chu* was emphasized, for the head of every *h'ien* of the former paid his annual visit to the Court, while the latter, which were always in the position of provinces, seem to have been represented only by the *chu*.<sup>6</sup>

<sup>1</sup> Liu H'ü, XLIV. 54. Also see 55-6 for the *h'ien*-officer. These words were copied verbatim in the Japanese Code of 701 in its definitions of the offices of the governors of the Kuni and the Kôri.

<sup>2</sup> 6000 houses or more ; 2000 or more ; 1000 or more ; and less than 1000.

<sup>3</sup> Liu H'ü, XLIII. 11.

<sup>4</sup> The terms were, respectively, 黃, 小, 中, 丁, and 老, which Japan adopted with some variation.

<sup>5</sup> 朝集使. The term and the institution were borrowed by Japan.

<sup>6</sup> Liu H'ü, XLIII. 13.

It was in 627 that the Empire was divided into ten Tao (道), which were later increased up to fifteen. One of them was again King Ki (京畿), Domain around the Capital, which stood apart from the other Tao. The governors of the Tao changed names from one time to another.<sup>1</sup> At first they do not seem to have been permanently resident in their posts, although they later were, to the great danger of the Imperial interest. Especially strong were the later military governors of the provincial garrisons.

These garrisons should be distinguished from the military posts established earlier in each *chu* to the number at one time of 634. In the latter were stationed soldiers recruited from among the people by rotation.<sup>2</sup> This institution seems to have fallen into decay, owing to the universal desertion of soldiers and the impossibility of compelling the recruits regularly to relieve one another, before the above-mentioned garrisons were established in 733, (?). This was replacing too weak an institution with a too strong one, as it finally proved to be.<sup>3</sup>

Brief as is our survey of the Chinese local Government, it cannot fail to present before our mind an impressive political lesson. The whole system seemed to have been, as it were, forced into existence by the fundamental difficulty of the Chinese nation. On the one hand was a country too vast to be governed by one Emperor, and on the other were his relatives and great subjects to be carefully disposed of, and, again, below them, a great agricultural population as docile under a good government as turbulent under a bad one. Add to these the defective experience of the Chinese in the federal

<sup>1</sup> 巡察使, 按察使, 採訪處置使, 觀察使, 節度使. All these terms but the third have been borrowed in Japan.

<sup>2</sup> The Japanese *gundan* (軍團) correspond to them.

<sup>3</sup> Okamoto, X. 8.

form of government. How to rule this difficult country by a dynastic ruler—that has been the problem ever present and never satisfactorily solved until today, when fresh troubles from hitherto little known quarters have overtaken China. Her succeeding dynasties have exhausted their wit in endeavoring to build up their interests between hostile fires. Her past experience had impelled her, in that period of her history which is before us, to pursue a line of policy in the local government such as has been briefly described in this section. With the exception of the further democratization of the system of public examination which has been developed later, the main features of the policy of T'ang may be said still to characterize the government of China at the present time.

Let us recount some of these features. The vicinity of the Capital, which was the lineal descendant of the ancient institution of the royal domain, was singled out either as the main support of the Imperial authority or as a model of territorial government for the whole Empire. Inside this central area, the Court and the Capital were made an alluring world of title and luxury, even at the cost of creating an unwholesome officialdom, which might sap the ambition and energy of the aspiring youth of the country. Outside the Inner Country, there were dark horrors of dissolution. The country was to be heavily and rigidly organized, and the local officers to be strictly controlled by an extensive network of Responsibility and Supervision. And the entire network was spun out of the grand theory of Delegation of the Imperial power. Thus the machinery of the State was ultimately centered in the Emperor, and his every local delegate was responsible to and supervised by the superiors of the latter, whose hierarchy again reached the Emperor at its apex. It is no wonder that the Chinese local organization showed such a consistent picture of dividing for the sake of ruling, in one direction, and, in another, of uniting for the purpose of

supervising. On the one hand, four or five houses formed an administrative unit, and on the other there grew up overseers upon overseers. Between the central and local government there went to and fro messengers and envoys, with considerable expenditures at both ends and on the way.<sup>1</sup>

What then was the position of the people in this system? The local officer had still to perform a considerable amount of patriarchal duties, as if to justify his existence by thus countenancing the ancient doctrine of virtue. Yet the far more real care devolving on the whole force of local magistrates seems to have been in matters of taxation. It may perhaps be said that the systems of land-allotment, of census-taking, of village organization, and of classifying the people, were mainly based on that ultimate necessity. The important position once in remote past held by the people in Chinese politics was not indeed forgotten, but in reality the people were no longer the sole centre of gravity of political forces, because, since the gigantic bureaucracy had come into being to be supported by the nation, they were as much a tool of yielding taxation as an object of care and education. The heavy net of official organization began to have its own reason of existence, to use somewhat exaggerated language, almost independently of that of the people, whose part was to suffer and sustain it.<sup>2</sup> This superimposed machinery was to run

<sup>1</sup> We have enumerated in the text the three great principles of Chinese official life : delegation, responsibility and supervision. Of these, it is plain that the second occupies the central position, and its application is wider than that of the other two. Thus Responsibility stands as the one principle that controls the entire vast machinery of the government of China. It would take a stout volume to illustrate the manifold operation of this principle in politics, its persistent appearance in judicial affairs in the shape of rendering one person answerable for the offence of another, or in warfare in the form of hostage, its profound influence on the mind and daily life of the people, and its applications in many of their private organizations. Here let it suffice to see that the principle in general was a necessary outcome of the Chinese political experience.

<sup>2</sup> A good history of Chinese finance is yet to come, but it seems reasonable to

its own course with little friction and less exertion, and, as it were, by inertia, until again the inevitable dissolution overcame it.

In this connection, a reference may be made to a peculiar institution in the Chinese administrative machinery which has been a subject of much slander and recrimination. It is well-known that the regular allowances for the local officers are so ridiculously small<sup>1</sup> for their large establishments whose occupants are for the most part privately employed by the officers, that the fees and sundry charges are openly imposed by them upon the people. Some of these charges are avowedly presents and bribes. The evil effects of this pernicious system are familiar to every foreigner who is acquainted with the present conditions of China.<sup>2</sup> Yet it must be admitted that the vast organ of the local administration of China is built upon this universally recognized system of irregular impositions, and it is not too much to say that the former would not be main-

suppose that in peaceful times the Chinese people have nearly always been lightly taxed. What we insist upon is not so much the amount of the taxes as their relative position in the political life of the people.

<sup>1</sup> W. J. Clennell, British Consul at Kiukiang, reports that, in the province of Kiangs', the regular salaries of the officers are somewhat as follows:—

	Tael.
High Officers of the Central Administration ... ..	2,400 to 10,000
Taotais ... ..	2,600
Prefects... ..	1,600 to 1,800 or in special case 2,400
Departments Magistrates ... ..	1,000 to 1,300
Distinct Magistrates . . . . .	800 to 1,300 or at the capital 1900
Sub-Prefects... ..	600 to 900
Assistant Sub-Prefects... ..	400
A few others named under Treasury Office ... ..	14 to 400.

These salaries are evidently intended to maintain the entire staff under each officer, and not merely the senior official of each distinct. *Parl. Papers, China, No. 1, (1903). p. 12.*

<sup>2</sup> Before the establishment of the present Imperial maritime customs service under foreign management, the burden of this system was very heavily felt by all the people who were engaged in the foreign trade in China.



tained for a single year were the latter suddenly stopped. Nor would it be possible to reform only one part of the organ, the judiciary, for example, on the basis of well defined salaries, without causing irritation and friction in all the parts. Pernicious as it is, the system appears to be tacitly recognized by all as necessary, and, in fact, not only the administrative system, but also the educational and all the social institutions are in the main dependent upon this tacit understanding. Probably this singular circumstance is to be explained by the existence in China of a powerful tradition that the people should be lightly taxed. Here again an effect of the ancient doctrine of virtue is seen. The ruler shall be solicitous of the happiness and prosperity of the ruled, who shall be nurtured like children. True to this tradition, the taxes that regularly fall upon the people are known to be very slight, even to-day after the foreign relations have deprived China of her annual surpluses of revenue, heaped upon her shoulders loans and indemnities of many kinds, and increased both her expenditures and taxation. On the other hand, for the same reason, the people, who would not protest against the irregular impositions, are said to be extremely sensitive of any increase in the direct or other regular taxes. The land tax, the central item of China's direct taxes, is seldom if ever increased. The tradition being so strong against heavier exactions, the government of the State must needs be managed as economically as possible. Herein probably lies the explanation for the many ingenuous devices of the Chinese administration which so forcibly strike the foreigner with wonder. An instance, the effects of which are far-reaching, is the combination of both civil and judicial functions in many of the local magistrates. Another not less important example will be later seen,<sup>1</sup> in which the popular education is maintained largely by private benefaction. Per-

<sup>1</sup> Pp. 241-2 below.

haps the most striking illustration, however, is the system of irregular and often indefinable impositions, which has been the subject of this paragraph. We regret we are unable to say how much of this system had already obtained in the early years of T'ang, when it must have existed. The practice was manifest also in Japan of the post-Reform days.

From the discussion of the preceding paragraphs, it does not follow, however, that the Chinese society was or is arrayed in two hostile camps of the rulers and the ruled, the former being always arbitrary and the latter always downtrodden. China has never lacked means of expressing popular will, though in the main in an indirect and negative way. First stands her famous system of public examination, to which we shall return in the next section. Another favorite means have been unorganized force, or riot.<sup>1</sup> The people respect law and office, but obedience cannot go beyond a certain limit when a serious grievance is heaped upon a whole community. The Chinese riot is a splendid illustration of the action of human minds in a group. Meek and seemingly indolent as the Chinaman is individually, he feels long and resents deeply, and when the moment comes he at a slight suggestion turns a ferocious creature in a mob. It is not to be wondered at that the Chinese people have developed a peculiar aptitude for riot-making, when we consider that they have lacked proper organs of directly expressing their will but by din and roar, and that

<sup>1</sup> A third method of popular expression, that of memorializing to the central government, may perhaps be called anomalous, for it can be successful only when the government has invited memorials from the patriots or is for some unusual reason open to their suggestions. Otherwise, the system may well be likened to that of handing in written papers to an indolent Professor. He is gracious enough to accept them, but the student hears no more of them. Indeed the latter would consider himself fortunate if his master did not show his annoyance of being deluged with the papers.

it is generally understood that the object of the mob would be dismissed from his office.<sup>1</sup>

III. Central government. In approaching this question, we must be prepared to meet its three elements, whose correlation with one another we cannot always analyze, but whose con-

<sup>1</sup> It may be noted in passing that the recent Boxer uprising was, foolhardy as it was, nothing but a carrying out of this principle of rioting in a grand scale, the object of its attack in this case being, however, not the oppressive officials, but the hated "foreign devils."

It has been again and again seen in the history of China's foreign recitations that, when the object of hatred is the foreigners, the official has little control over the turbulent populace. In the preamble of the famous Circular of 1871 addressed by the Chinese Government to the representatives of the foreign Powers, proposing a solution of the great missionary question, occurs the following prophecy of a catastrophe which would take place if the proper action were not taken to prevent it. Such a suggested action was never taken, and every word of the prophecy was, though not from precisely the same causes as were enumerated in the Circular, fulfilled thirty years later in the Boxer uprising, disturbing the world's peace to a serious extent and bringing China to the verge of dissolution. Hardly a clearer statement and better example of the supreme power of the Chinese people in riot can be found than in the passage here quoted. ".....The Prince [Kung] and the members of the Yamān," it says, "are impressed with a desire to ward off from henceforth eventualities so menacing. In fact, they fear in all sincerity lest, after the arrangement of the Tientsin affair [of 1870], the animosity of the ignorant Christians of the Empire should take a more decided tone of insolent bluster, that the bitterness of the popular resentment should increase, and that so much accumulated bad feeling, causing a sudden explosion, should bring about a catastrophe. It would then be no longer possible for local authorities, nor for the high provincial authorities, nor even for the Tsung-li Yamān, to assert their authority. In the event of a general rising in China, the Emperor will be able to appoint high dignitaries to order them to assemble everywhere imposing forces; but the greatest rigor does not reach the masses, and where their anger manifests itself, there are persons who refuse to yield their heads to the executioner. Then when the evil becomes irremediable, and when the wish we all have to preserve so great interests will no longer be effectual, the men who direct the international affairs of China and of Europe will not be suffered to decline the responsibility which falls on them. In short, in the direction of affairs, the important point in China as in Europe, is to satisfy opinion. If failing in this duty, oppression and violence are employed, a general rising will at last take place. There are moments when the supreme authority is disregarded....." (Alexander Michie, *China and Christianity*, Boston, 1900. Pp. 198-199.

stant existence, whether independent or in combination, we must always keep in mind. They are the central officers of the State, the officers of the Court, and the soldiers of the Guards. The last seem to have been an independent institution already in Chow, though still in its *ihchoate* state.<sup>1</sup> All subsequent dynasties inherited it and improved on it. Under the Han, there were Guards of the Palace and Guards of the Capital, both recruited from among the people, until Emperor Wu made them professional. A similar transformation occurred under the T'ang dynasty, which seems to have started with recruits whose term of service was not longer than a month, but ended, during Emperor H'üen (715-756), in substituting for them permanent guards collected around the Capital.<sup>2</sup> Evils of the Guards were, as might be expected, that they easily served as a tool of the officers in charge over them, especially when the latter were at the same time influential members of the Court. Troubles of precisely this nature occurred under the Later Han, the Sui and the T'ang. As to the Court officers, the simple but apparently effective organization of Ts'in gradually expanded through Han and the Later Han, until, under the latter Empire, numerous eunuchs flocked around the palaces and occupied eminent positions in the court circle. This tendency was doubtlessly caused partly by the desire of surrounding the persons of the Imperial household with large followings that would add to their dignity, and partly by the traditional policy of secluding and enhancing the position of the Court by giving to it all possible appanages of plentiful luxury. It is said that during the reign of Emperor H'üen of T'ang there were fully 40,000 of these idle denizens, and it was mainly by controlling them that the crafty An Lu-Shan succeeded in overthrowing the Emperor in 756.

<sup>1</sup> Thus we hear of the Guards of 宮正宮伯, 虎賁氏, 僕從 and 守隸.

<sup>2</sup> Okamoto, IV, 14, X. 7-8. Ma T'wan-lin, CLV.

As regards the central officers of the State, the characteristics of their organization are well illustrated in that of earlier Chow. There were three highest offices to "discuss truth, govern the country, and regulate the principles of 'yin' and 'yang.'"<sup>1</sup> Their duties therefore were not strictly political, and they were occupied by persons of highest virtue in the land. This institution, which must be considered as being in accordance with the political philosophy of China, had not been forgotten, when Tang again established it in her system and Japan found therein the model of her Dajo-Daijin. The actual government of Chow kingdom was executed in six departments, each headed by a minister and subdivided into sixty bureaus. In spite of this symmetrical arrangement, the simplicity of the entire organization may be seen in the fact that there was as yet little differentiation between the civil and military offices, and that in many a case an officer combined several offices in his person.<sup>2</sup>

Ts'in, with her characteristic brevity, dispensed with the three offices of supreme virtue, and established a minister of war, a minister of general government, and an assistant minister of the latter, who together had control of the entire executive business. The Emperor seems to have consulted them on important occasions. The departments were also greatly simplified.<sup>3</sup>

From Han dates that celebrated system of bureaucracy to which we have had many occasions to refer. She restored one of the three offices of virtue. The three ministers of Ts'in were retained, under changed names, as the highest political officers of the Empire. They divided between themselves the control over the nine departments, called Sz' (司), which were organiz-

<sup>1</sup> The negative and positive principles of Chinese Philosophy.

<sup>2</sup> Okamoto, IV, 5-6. Ma Twan-lin, XLVII, 6, 16-25, XLVIII, 1-2.

<sup>3</sup> Ma Twan-lin, XLVII, 6.

ed in an elaborate ramification of offices, so that, together with all the local officers appointed by the government, there were at one time, it is said, 130,285 officers.<sup>1</sup> The Later Han tightened the central authority of the Emperor and his three ministers. The nine *Sz'* were somewhat neglected, and there were established, after the pattern of Ts'in, a fewer number of new bureaus, more strictly related to the executive business of the Emperor.<sup>2</sup> A double system of departments was this initiated and transmitted to the later dynasties. Two of the new departments, Shang-Shu (尚書) and Chung-Shu (中書), have particularly been persistent. From this dynasty on, therefore, it may be said that we have four classes of institutions before us: the Officers of Virtue, the Ministers, the new departments often called *Shǎng* (省), and the old ones called *Sz'*. Of these, it appears that the first and the last originated before Chow, and the second and the third, in their simple forms, in Ts'in.

Down to the rise of the Sui there were in different dynasties and kingdoms various arrangements of these four factors. Sui borrowed from North Wei the officers of the Three preceptors (*Sz'*, 師) and the Three Ministers (*Kung*, 公), and bequeathed them to T'ang. The former were to remain vacant when there were no proper persons to hold them. Sui established five *Shǎng*, of which T'ang made six. The first of these, the old Shang-Shu, was subdivided into Six *Pu*, or, Boards:—of Civil Office (吏部), of Revenue (戶部,<sup>3</sup> of Rites (禮部), of War (兵部), of Punishments (刑部), and of Works (工部), which have indeed been handed down to the present dynasty. The six *Shǎng* or Departments of T'ang were:—of the general government (尚書省), with the six Boards just enumerated; of addressing the Emperor (門下省); of issuing Imperial decrees (中書省);

<sup>1</sup> Ma Twan-jin, XLVII, 25.

<sup>2</sup> Ibid., 6-7.

<sup>3</sup> Sui called this the Board of the People (民部).



of bibliography (秘書省); of the Imperial accoutrement and equipage (殿中省); and of the inner palaces (內侍省). As to the older departments, the *Sh'ü*, there were eleven of them in Sui, and nine in T'ang, but their real powers had passed to the Six Boards. The entire machinery of the official life of T'ang, including the Guards, and the officers of the Court, the Capital and the provinces, counted in all 18,805 posts, nearly all of which were in acting order in 624.<sup>1</sup> Japan copied this system with considerable variation.

It is unnecessary to go into the detail of the ranks and emoluments of these hosts of officers, central and local. Let it suffice to say that since the emoluments ceased to be given in form of land, but in kind and in money, the ranks began to assume greater importance and dignity than before. As a general rule, the emoluments accompanied the ranks, while the holding of an office brought with it a salary, which was also paid mostly in kind or in money. T'ang had two large classes of exceptions to this rule, which were also copied by Japan. One of them the *Chih-Fan* or office-land (職分田), has already been discussed. The other was an assignment of a certain number of houses to the office-holder, but not their lands, which paid their normal taxes to him instead of to the government. This was known as *Fang-Hu* (防戶), and proved to be a source of immense trouble. The office-holder held it for life, but some meritorious subjects were permitted to hold it by heredity. During the Sui and T'ang dynasties, there were cases of hereditary ranks, as well as a large number of persons holding mere titles to the ranks or offices and receiving proper emoluments, but with no actual duties to perform.<sup>2</sup> The custom arose probably because there were more men to be

<sup>1</sup> Liu H'ü, XLII, 1, XLIII, XLIV. Ma T'wan-lin, XLVII, 7-11, 25.

<sup>2</sup> 散位 and 散官, also copied in Japan.

satisfied than offices to spare which we know to have been very numerous.<sup>1</sup>

One may wonder where the occupants of the eighteen thousand offices came from. "The people in the Empire," says Liu H'ü, "were divided into four classes, each of which was bound to keep to its own vocation: those who studied letters and arms were Gentlemen *Sz'*, (士), those who devoted their energy to agriculture were Peasants (*Nung*, 農), those who designed and made utensils were Artisans (*Kung*, 工), and those who purchased and sold goods were Merchants (*Shang*, 商). The Artisans and Merchants should not attend to the work of the Gentlemen, the salaried men shall not seek the profit of the inferior people."<sup>2</sup> This was the principle of the famous Chinese classification of four grades of the people. The Gentlemen, who thus monopolized the glories of refined life, were either office-holders and their relatives, or those who had distinguished themselves by higher education which by some fortune or by ambition they had happened to receive. The merit of education was tested by a prescribed system of examination. This celebrated system of education and examination must now be examined.

Perhaps nothing illustrates better the process how in spite of changed conditions the civilization of China has struggled and succeeded in preserving the semblance of the general coherence of its parts, then the history of her education and examination. The sociological significance of this complex history which will barely be suggested below, would deserve most careful study of the trained scholar. At the beginning

<sup>2</sup> Liu H'ü, XLIII, 13. Okamoto, V. 4.

<sup>1</sup> Liu H'ü, XLIII, 12.

of the Chinese history, when the government was still known to be based upon the moral influence of the ruler, there appears to have been an ill-organized but practical system of education in the Capital and in the country,<sup>1</sup> the primitive vitality of which has never been successfully reproduced in later times. Being prior to the days of the prescribed texts, the teachers, who were either officials or men of virtue not holding office, seem to have drawn their lessons from the real life and revered traditions, so that the instruction was in the main of a personal and disciplinary nature. Nor was it limited to writing and arithmetic, but archery, riding, music, and proper comportment before men and gods,<sup>2</sup> received as much attention, for the aim of education was the formation of such refined and well-balanced manhood as the people of the age held in estimation. It is remarkable that the schools were, as were parochial churches of later times in some Western countries, centres not only of the education of the youth but also of the political discipline of the citizens and officers. In the local school the magistrates would periodically summon the people of the district to explain to them what primitive laws had recently been issued and exhort them to domestic and rural virtues, while at the Capital the schools often served as places of assembly of the elders and officers for counsel and festivity. This interesting system was greatly extended and organized by the dynasty of Chow, so that to all probability the fundamental objects of education - the training of virtuous officers and the rearing of peaceful citizens - were well served at least during the life-time of the Duke who bore the name of the dynasty.

<sup>1</sup> The local schools are said to have been called Kiao (校) during the dynasty of Hsia, and Sü (序), in Yin. The central school was known as H'io (學) in both dynasties.

<sup>2</sup> The Six Arts (六藝).

As in politics, so in education, the life and harmony of the old Chinese system departed, never to return, as soon as the House of Chow began to decline. During the troublous centuries of the later Chow, when in practice law and morals could no longer be held in charge in the hands of the ruler, the right of moral discussion was assumed spontaneously by various philosophers and their schools, the range and variety of whose teachings have never since been excelled in the history of Chinese thought. In them were reflected results of the intellectual training of the preceding ages, but the former could not have appeared had the spirit of the latter been still alive. As it was, the doctrine that virtue was power and that the government was the mentor of the people belied itself in the free expression of rival doctrines which now arose fast on all sides. This state of things aroused Confucius to stem the great tide of heresies. Confucius is the great transitional figure in the history of Chinese education: he selected and edited the classics, and thus established for all time the orthodoxy of China. Yet it would seem that the better half of his life-work has been hopelessly overcome by the currents of the times, which had already ruined beyond recovery the ancient foundation of education such as Confucius vainly sought to rebuild. He indeed succeeded in setting a great example of the education by personal influence and in all the known branches of harmonious refinement,<sup>1</sup> and he probably did not foresee that the words of the ancient works he edited and also his own sayings would be mistaken by his posterity for the living moral life which they were intended only to represent. In other words, law and morals, which had been put asunder by the prolonged unrest during the declining centuries of

<sup>1</sup> It is alleged that he had three thousand disciples, of whom seventy-two were versed in the six arts.

Chow, were again combined only in the ideal of the sage, but never again in the real life of China. The visible remnants of his work remained to be made the foundation of the subsequent transition, radical in character but unique in its ingenuity, from what may be termed the ancient democracy of virtue to the later democracy of letters. The letters were founded, probably unconsciously of their effects, by Confucius. Their existence as the orthodox learning of China rendered it possible for later ages to create the peculiar examination system which has made China famous. When it was established by the T'ang dynasty, education and examination were to be closely identified, and the former gradually came to exist for the sake of the latter, until the peculiar circumstances were evolved that examination was, as it is, an absorbingly important public institution, while education has largely fallen into private hands, which are encouraged mainly by the rewarded that examination offers to their successful protégés. Let us briefly follow this remarkable process as far as the dynasty of T'ang.

It will be recalled that the half-alien dynasty of Ts'in, as soon as it levelled all the contending principalities of China in the third century B. C., openly and clearly declared as the fundamental principle of its government the already real separation of law and morals. The former conception of education, which was at once political, moral and intellectual, was now thrust aside, and the orthodox letters, so gloriously edited by Confucius, were held in abeyance. The First Emperor burnt classics and crushed down scholastic opposition. It is easy to see that this reign of terror should have been soon defeated, as it was, by the many-sided opposition it provoked, in the conservative China, but it would seem that her subsequent history would not be sufficiently intelligible were it not seen than in a sense the drastic policy of Ts'in of banishing morals from the domain of government was a clear indication of the

sham, as it had become, of the ancient harmonious system of Chinese civilization. Else it is difficult to understand why China has never since recovered from the shock of the blow dealt by her shortest-lived dynasty. The inherent and ever-present difficulties of the Chinese political organization, which were discussed at length in the earlier portion of this chapter, had caused the traditional moral control of the people by the ruler hopelessly to depart from his hands, and it was the secret of the greatness of Ts'in that it declared that a policy confessedly built upon this real state of things would counter-balance some of the difficulties that had caused it. In the last analysis, it was not Ts'in, but the very nature of the Chinese civilization, that destroyed the spirit of the latter. Ts'in only buried what was dead, discarded platitudes, and called reality real. Otherwise the twenty-one centuries of the subsequent history of China would not have found it so utterly impossible to undo the barbarian's desecrating work of fifteen years.

It is not meant that the Chinese system of education so completely disorganized by Ts'in has never been restored to its old status. So far as its status in the organization of the State was concerned, the dynasty of Han definitely reversed the policy of Ts'in in reinstating what was overthrown by the latter, while, after the system had undergone further development, Tang laid the foundation of its still greater advance, by which the literary education of China, as promoted by her system of examination, has come to be more highly organized and assume an even greater importance than in the early days of Chow. But, as in the case of the political doctrine of China, what was restored was old in form only but new in principle, the latter, however, not being expressed in its naked significance. Here the history of Chinese education presents a striking illustration of the manner in which the ancient civilization of China has strug-



gled to preserve itself—to preserve in appearance the traditional harmony of its elements, when the real concord was no more in spirit. Law and morals had been divorced from one another, but the glory of the culture of the Central State would have departed if the old patriarchal moral supremacy of its rulers had been abandoned. The country of Yao and Shun would not degrade herself to the level of her tributary tribes and States which were ruled by blood-tie or brute force, for her ruler received in theory Heavenly commission to govern as much by moral influence as by law, to instruct his people in the essentials of the five virtues, and to select his officials on the test of moral excellence. It does not belong to us to trace the steps of the evolution in which this imperious need of the self-preservation of the Chinese civilization has resulted in its present form as is seen to-day with so much interest by the world.<sup>1</sup> So far as the system of education was concerned, the transformation of its principle was, as we once said, from a democracy of virtue to a

<sup>1</sup> In this great civilization, there was, on the one hand, an early separation of law and morals, and, on the other, their reunion in the letters. This double nature of the moral side of the Chinese rule is well reflected in its policy regarding foreign religions. As we have once said (*page 132 note 1, above*), the Chinese government has on the whole tolerantly recognized their domicile in the Empire, but, as soon as they sought to supplant the native morals upon which the rule of the country theoretically rests, the government unequivocally prohibited their propagation. So far as Christianity is concerned, the Chinese policy in regard to it has undergone a remarkable evolution. To say nothing of the Nestorianism which invaded China during the sixth and the eighth century and the first Catholic mission of the thirteenth and fourteenth centuries, Jesuitism entered into China, from about 1580, by showing itself completely reconcilable with the native faiths and rites. As soon as the other Orders came early in the next century, they manifested their rivalry to the Jesuits through a solution of the ritual controversy, which, by deprecating the native morals, came directly in conflict with the moral assumption of the Chinese emperor. If the Chinese morals were pagan and false and the teachings of the missionaries the only truth, the emperor would lose the theoretical foundation of his rule. It was a singular coincidence that this moral assumption of the ruler, so long dormant except as a current phrase in political literature, became again conscious in the mind of China's greatest

democracy of letters. Such a change was partly made possible by the existence of the orthodox classics edited by Confucius, and partly necessitated by the peculiar circumstances which will be shown below. The Confucian classics were, when the original spirit which had produced them was no more, regarded as the sole repository of the political, intellectual and moral foundations of the State. The tremendous significance of their existence will strike one the more forcibly, as the more he thinks about it. What necessitated the change was, however, another important circumstance which, so far as is known to us, has not been satisfactorily

modern emperor, Kang-hi. From this awakening of the moral consciousness of the Chinese ruler, the history of his policy toward Christianity down to 1858 seems to have been consistently against any manner of its propagation. In 1793, Emperor Kien-lung addressed letters to George III. of England through the latter's envoy to China, in which the Emperor declared that, of the demands the King had made, the sending of the teachers of Christianity was "more impossible to grant than anything else." In no earlier period of her modern history, however, did China reach a clearer definition of her religious policy than in 1844, when, during the negotiations following the Opium War, the Imperial commissioner Kiying proposed, and the Emperor approved, that toleration in the sense of *recognition* had been the established policy of China, while the *propagation* of Christianity could not be tolerated. (See Alexander Michie, *China and Christianity*, appendix I.) The truth of the first half of the proposition is open to question, but the clear distinction thus at length arrived at was none the less precious to China. She, however, could not hold to it longer than for sixteen years; for, in addition to the *recognition* of the Christian worship of the foreign residents and native Christians which was, as has been stated, granted by China after the first war, the toleration of the *propagation* of Christianity was forced upon her after her second defeat of 1858-60. The first step, which was taken voluntarily, may be reconcilable with the moral rule of the Chinese government, but the second, which was forced, may be said to constitute the greatest humiliation of the Chinese civilization that it has experienced since the days of the First Emperor. Here, even aside from all the serious difficulties which have naturally arisen from the forcible restoration of Church property, the purchase of land, and the well-known extra-territorial arrangement in China, we seem to observe a sufficient explanation of the extreme reluctance of the Chinese government to live up to the treaty obligation of tolerating Christian propagandism. History hardly affords another example of a great civilization proving so unfortunate to its possessors.

investigated by the historians. It was a matter of far-reaching consequences in the history of Chinese thought that the wide-spread commotion and chaotic admixture and corruption of tongues during the later Chow and the rule of Ts'in had caused such a revolution in the written and spoken language that when the students of Han turned to such Confucian classics as had escaped the fire of the First Emperor they found them intelligible only to a few specialists. The ancient texts had to be deciphered and annotated before they could be taught, and the arduous task of compiling erudite commentaries during the period of Han absorbed too much energy of the scholars to resuscitate the vital harmony of the old six arts, and far less to rise from the letters to their fountain virtue. Without the labors of Confucius, the Chinese civilization, when it sought to recover itself with the rise of Han, would have been at a loss upon what-ground it was to build. On the other hand, magnificent as their service was, China bought the works of the sage with a tremendous cost to all ages to come. Owing partly to their imposing character, and partly to the ravages of time which made them for a time unintelligible to the masses, they have come to absorb the mental powers of the student and dogmatize and enslave the thought and feeling of the nation. These conditions were already in evidence when the system of education was restored by the Han Emperors.

From this starting point, the evolution of the system has been peculiarly interesting. First let us hastily follow the different forms which the letters have taken. It has been said that they were in Han mainly commentaries, and some of these have become an additional material to be learned by the later generations. Under the Tang, the State undertook to edit authoritative eclectic commentaries, to which the literates throughout China were made to conform, but by this time another embellishment of literature had developed in the form

of poetry and allusive prose composition, the latter known collectively as *wăn chang* (文章), which were destined to play an even more important rôle in the examinations than the real insight into the classics and their commentaries. T'ang is thus famed as the greatest era of *belles lettres*. During the next dynasty of Sung, a new impulse was felt of the old speculative philosophy of Buddhism and Taoism, the latter of which had not yet been much vitiated by lower beliefs of the soul and the ghost, and this impulse, coupled with the spirit of reaction against the rather slavish adhesion to the letter or the commentary of the preceding period, produced several schools of Confucianism which sought to establish the original significance of the classics in more or less philosophical forms. Their influence survived the dynasty. Under the present dynasty of Ts'ing, a second reaction has taken place, now against the too wild speculations of the schools of Sung. The scholars have partly returned to the commentaries, but the main tendency of their labors has been in the direction of textual criticism, somewhat scientifically conceived, of the body of the classics themselves.

Not less interesting is the history of the organization of the educational machinery, and to our mind it is here that the greatest sociological significance of the whole system lies. The most important contribution of the T'ang dynasty also is seen here. During Han, which carries the credit of restoring the system, the local education was for the most part yet undeveloped, although the intellectual work at the Capital went so far as to cause conflicts between the scholars and the eunuchs in the third quarter of the second century A.D., in which the latter won. The influence of the central universities seems to have been maintained, with fluctuations, until T'ang, except during the first years of the seventh century when the Emperor Yang of Sin (605—616) held them in abeyance during

his reign.<sup>1</sup> But so long as the local educational system was neglected, the influence of letters could not be raised to such a plane as it now occupies, for a thorough system of examination based upon and stimulating education could only be established when the local system was completed. It was the Emperor Hiao-Wan of the Wei dynasty of the North who is said to have in the fifth century attended to the promotion of local education, but it was not until the first Emperors of T'ang, especially Tai-tsung (627—649), came to the throne that a remarkable progress in this direction was made. Below is a brief account of the central and local system established by the last named Emperor.

The Emperor Tai-tsung organized at the Capital four branches of the Imperial University giving instruction, respectively, in classics and *belles lettres*, law, caligraphy, and mathematics. The first branch, which was considered by far the most important, was divided into three grades,<sup>2</sup> according not to the curriculum, which was substantially the same in all the grades, but to the social status of the students admitted into them. All the four branches were placed under the supervision of the central bureau of learning called the *Kwo-tsz'-kien*, and are said to have comprised, at their most flourishing period, no less than eight thousand students, even some of the distant tributary States contributing to the number. There were also two smaller institutions, whose constituencies were strictly aristocratic, which taught, like the first branch above mentioned, classics and *wen chang*.<sup>3</sup> The local schools under the charge of the local officers, were called *Hio*, *Siang*, or *Sü*,

<sup>1</sup> He is said to have been influenced by Taoism and the doctrine of law. This is one of the parallels that might be drawn between this famous despot Yang and his prototype the First Emperor of Ts'in.

<sup>2</sup> 國子學, 太學 and 四門學. The other three branches were 律學, 書學 and 算學.

<sup>3</sup> They were 弘文館 under the supervision of the Department of addressing the Emperor (門下省), and 崇文館 under the Crown Prince (東宮).



according to the grade of the districts in which they were established. Their students consisted of the male relatives of the officials of the *chu* and *h'ien*, as well as those of some of the peasants. It is not easy to learn how freely the sons of the common people were admitted into these schools, but it seems probable that the democratization of the system was not yet carried out to such an extent as it now has been, by which all but the sons of actors, jailors, executioners and outcasts, besides actual criminals, have access to the examinations. It should be noted, too, that T'ang did not altogether discard heredity, for an institution called *Yin* (蔭) was either established or retained, by which sons of the some of the higher nobles of the court were admitted without examination to ranks somewhat inferior to those of their fathers. If not quite democratic, however, the system of T'ang at least contained possibilities of its future progress in that line, for now, together with the educational machinery, a system of examinations was established, which, while considered vastly important, was organized in such an elastic way that there was little in it to hinder its great development. All the schools, central and local, sent the elect to the Department of General Government (尙書省, *Shang-shu Shāng*) to be there examined, these students being called *shāng-t'u* (生徒). Side by side with the arrangement, local examinations were open to those students who had not been graduated at the schools, and the successful came to the Capital to compete with the graduates in the central examination. The latter led to six different kinds of degrees, the last three of which certified proficiency, respectively, in law, calligraphy and mathematics (the *ming-fa* 明法, *ming-ts'z'* 明字, and *ming-swan* 明算). The first three (the *siu-ts'ai* 秀才, *tsin-sh'* 進士, and *ming-king* 明經) were bestowed on excellence in classical learning and composition, but it should be noted that the art of composing *wān chang* was so highly esteemed in this system that, while it encouraged in China a great



development of prose and poetry under the T'ang dynasty, it did not fail to produce the unwholesome tendency of supplanting other practical attainments and also the more well-balanced refinement of the older times with highly imaginative and allusive writings which seem to have as much spoiled the literary taste of the Chinese as polished it.<sup>1</sup>

This celebrated system established by the first Emperors of T'ang has, despite its alternate decays and revivals and its modifications in minor details during the later dynasties, remained in the main intact down to the present time. Its effects upon the national life of China have been so deep and complex that even the able discussions of the accomplished sinologists<sup>1</sup> do not seem to have exhausted the subject. The great question still awaits a comprehensive and organic interpretation by a master mind. We shall only endeavor to make a cursory survey of some of its important features.

1. The real educational value of the system is liable to be viewed by the foreigners from too European a standpoint. We should remember that the peculiar national conditions of China has resulted in producing two distinct layers of society, the rulers and the ruled, and the theory of delegation by which the social status of the official was greatly exalted. The system of education and examination connected, though at first imperfectly, the people with the official world. Its avowedly most important purpose was to raise trained officers of the State, the education of the masses becoming more and more subsidiary as time advanced. It would seem therefore that the system should not be too loudly denounced for not producing results

<sup>1</sup> An account of the education and examination system is found in Ma Twan-lin, *XLI. 12 ff.*

<sup>2</sup> Cf. particularly S. W. Williams, the *Middle Kingdom*, Vol. I. (ed. 1883), pp. 519-577; W. A. P. Martin, *Lore of Cathay* (1901), pp. 281-383; besides works by H. A. Giles, A. H. Smith, R. K. Douglas, etc.

which it did not primarily intend to produce. Nor should it be forgotten, in testing the merit of the system as an organ of training officers, that there are several powerful correctives of its serious defects. Knowledge and training are too readily confused by careless observers. Some branches of the learning encouraged by the system have only a remote bearing upon its primary aim, and a radical reform is desired even the more practical branches, but the potential energy and resultant training in the mind of the candidate acquired by a patient application during long years of study seem to possess a value which is independent of the actual knowledge they represent.<sup>1</sup> Probably it is by that potential mental power that the otherwise impassable gulf between the fruits of Chinese culture and the requirements of Chinese administration is so often successfully bridged over. The holder of the diploma in China is seldom a visionary, but acquires the dark art of government with tremendous aptitude, and proves a shrewd practical man when he occupies an official chair, which in that country not infrequently covers all the administration, both civil and judicial, of the territory over which it presides.<sup>2</sup> No reform, which is urgent, could be effected without in a large degree borrowing from the results of the system as it has so long existed. Finally, it will be remembered that the framers of the Chinese examination laws could not have foreseen the contact with the Western civilization, so that, when a critic, projecting upon the past his observation of the present, asserts that those laws have been instrumental in keeping China dormant while Europe was awake, he takes little responsibility for his simple argument.

<sup>1</sup> It seems true that the system develops memory at the expense of the power of reasoning, but the theory should not be pushed too far.

<sup>2</sup> The reader is recommended to the excellent and most interesting chapter on Government in Mr. E. H. Parker's *China* (1901).

2. The peculiar value of the system as creating inviolable rights of the people at large has been fully discussed by Williams and Martin.<sup>1</sup> The system opens for the people the only legitimate path to power and renown, and the free competition of the candidates is not to be thwarted by any favoritism<sup>2</sup> or interfered with even by the Emperor. The national literature, which is at the basis of the system, is not esoteric and monopolized by a priestly caste,<sup>3</sup> but its learning is encouraged to all men as the most honorable attainment of the aspiring student. Not only caste, but also aristocracy or even plutocracy is with wonderful success debarred by this system from the Chinese society. There are the middle classes, who are the literates and the officials, but China knows no hereditary aristocracy large or strong enough to make its presence felt, while the complete absence of the so-called snobbishness of the wealthy is said to characterize, to an extent seldom excelled in other countries, every Chinese community, except perhaps in the most prosperous open ports. The only appreciable gaps exist between the illiterates and literates and between graduates unappointed to offices and those appointed, but it is the former gap that is so effectively filled by the examination system, while the latter is taken care of by the shrewdness of the expectant and by chance, the last of which seems to be the only blind factor in the whole machinery. Every school-child has on his lips the old query which answers itself in the negative: "How could kings, princes, generals and councillors, have their breed [i.e., be limited to certain families]?" The system of examination has created a vast levelling process of

<sup>1</sup> Williams, *The Middle Kingdom*, Vol. I. (ed. 1833). pp. 562 ff.; Martin, *Lore of Cathay*, pp. 324-5.

<sup>2</sup> Favoritism is not unknown, but the system is so constructed that corruption cannot go far.

<sup>3</sup> For a similar result from different causes in Japan, see p. 128 above.

the popular classes. Nor are there wanting other social effects naturally arising from the above. The unemployed literates serve as a powerful intermediary between the people and their officers, creating, when things go well, a cordial and sympathetic communication between them, and, when the officers oppress the people, writing incendiary placards and leading mobs, both of which are political institutions of great importance in China.<sup>1</sup> Abuses of such power may well be imagined, but as evident are its advantages as an organ of informally expressing the will of the people. It also follows that, when one of these literates once rises to an office, he would manifest his intimate knowledge of the conditions of the people from among whom he has at last risen. This knowledge unfortunately he may use to his own profit, but what knowledge is not liable to abuse? The position of the officer would be respected by the people as at least a just reward for his toilsome years of study and period of patient waiting. When a dynasty is on the decline and a revolution is imminent, the graduates, whether employed or unemployed, would be, according to the circumstances, as strong friends of order as they may be terrible as its enemies, for they know as well to be loyal to the powers that be as to make use of the doctrine which animates all his classics that virtue is power and that by its loss the dynasty forfeits popular support and Heavenly commission.<sup>2</sup>

<sup>1</sup> See pp. 220-1 above.

<sup>2</sup> It is interesting to note that after the Boxer trouble the Powers succeeded in inducing an Imperial edict in August, 1901, suspending for five years civil and military examinations in the localities which had been scenes of trouble; namely, some places in Shansi, Honan, Chekiang, Chili (including Peking, Paoting fu and Tientsin), Manchuria, Shensi and Hunan. The *Protocols Final* of September 7, 1901, contains a reference to this edict (Article II, B.). It is unnecessary to say that this measure was particularly resented by the Chinese people as a serious infringement by the Powers upon their rights. It has been alleged that the suspension of the examinations has caused in some of the localities demoralization among the people and the officers.

3. During time of peace, however, the education and examination system as much insures the powers of the government as it does the rights of the people. The traditions of the learning are well known to be opposed to warlike spirit, while at the same time the system creates means of gratifying the desires of the ambitious who might otherwise be dangerous. These latter are induced to devote the best part of their youthful energy to the mastery of the classics, and, when mature, will be inclined to support the government which bestows upon them powers and fame which they covet. The effect can hardly be overestimated of thus realizing to a great extent the eternal desire of the Chinese government, peace and stability. The dangerous forces thus adroitly diverted to the safety of the State may, indeed, otherwise make for still greater perils in the vast country of China, for the aspiring heroes, were they freed from the intellectual bondage into which the alluring system has induced them, might produce independent princes to eventually overthrow the dynasty or divide the Empire. On the contrary, they are tied down to the endless spells of the ingeniously contrived machinery, by which the candidate gratifies his vanity and the government enlists his service. Nor should the economic feature of this scheme be ignored. The inducements of the examinations are sufficient to make the people support their own schools, and by this skilful arrangement the examinations, which were once secondary in importance, have been made a wholly official, and the education, a largely private, institution, to the considerable saving of expense to the State.<sup>1</sup>

4. Let us now consider some of the effects of the system on China and her civilization in general. It will be seen that the

<sup>1</sup> We do not know if this feature of the system has been dully emphasized by the writers. In this connection, compare our remarks on p. 219 above.

system since Han has represented in form the older harmony of politics and education, so that it primarily aimed at enlisting the powers of the ablest men to the service of the State. Consequently the education of women has at least not been encouraged, their service in the official world not being required. The deep social effects of this drawback have certainly been deplorable. On the other hand, however, the system has produced in every Chinese man or woman an admirable mental habit of revering learning and all its instruments.<sup>1</sup> Intellectual achievement of any kind seldom fails to inspire the Chinese people with respect,<sup>2</sup> and the high esteem with which they regard their officers must be largely owing to the implicit recognition of the former of the attainments of the latter shown in their successful examinations. Yet this reverence for letters seems to be but an index to a larger thought which the system has confirmed in the Chinese mind, and which, it is not too much to say, differentiates the inhabitants of China, in their own opinion, from the rest of mankind. We refer to the idea of the Central State (*Chung-kwo*, 中國). The State is not so much a nation as a vast culture-area. It has had lamentably little political training of its people, but its civilization has early acquired a singular coherence and unity of its component parts. And when its unity was destroyed from inside, the Chinese civilization manifested a tenacious power of self-preservation by combining its broken fragments into an ingenious-

<sup>1</sup> The great care with which the students of the Imperial University at Peking handles their books and the eagerness with which they seek to acquire knowledge have struck its new Japanese instructors with admiration, familiar as the latter were with the habit.

<sup>2</sup> A person able to compose Chinese prose and poetry in good style may, be he a hated foreigner, meet hospitality from the people wherever he may travel in the Provinces. Remember also how the Jesuit scholars in the seventeenth century were trusted with important posts at Peking, in many cases displacing native scholars from the offices, and yet exciting comparatively little jealousy on that account.



ly wrought harmony. The basis of this adjustment has been the classics, whose core is the works of Confucius, and the reason for this must have been that the last were conceived as the repository of the harmonious civilization of old. It is thus that we can understand the tremendous influence Confucius has exercised over all subsequent ages, and the Chinese peculiarity of projecting the ideal of her education, as well as of politics, not into the future, but into the past. This retrospective attitude of the Chinese people, so natural but so unfortunate, has resulted in a system of education and examination which is, tested by its adaptation to its own aims, nothing short of the work of a genius, but, regarded from the needs of the modern national life, almost too deeply conservative to admit a thorough reform whose urgency is now felt by the Chinese statesmen themselves. For we must always keep in view that the system has produced powerful middle classes which form the back-bone of the people, and whose resisting power is tremendous against any innovation which might expose the sham of their learning and undermine their status. By reason of this very coherence of politics and education, a radical overthrow of the education and official classes might cause a widespread dissolution of the Chinese nation, and any new system, if hastily introduced, cannot help disjoining the entire organism, the far-reaching effects of which might be disastrous. However that may be, it can hardly be doubted that it is these middle classes, potentially well-trained, that make China so slow to admit the backwardness of some features of her civilization, and render her so reluctant to rise to any new responsibility, as is universally censured. Thus the secret of the modern Chinese question, which continually threatens to disturb the place of the world, seems to be this, that the Central State would not, because it could not, rise to the occasion. Nearly all its modern changes have been imposed upon her from outside, China herself taking little or no active

part, so that there could not have been real progress but temporary adjustments. The causes of these phenomena must be traced to the system of education and examination, and the origin of the latter to the very nature of the unique Chinese civilization.

To return to the dynasty of T'ang. It was shown that it was its first Emperors who laid in all its essential points the foundation of the examination system as it is known to-day. It would be impossible, however, to see how conscious they were in their days of its deep effects on China, such as we have discussed. They could not have foreseen its bad fruits which have become obvious mostly after China came in contact with the active nations of the West. As to the beneficial effects of the system upon the government and the people, the degree of consciousness in the Imperial mind regarding them may only be guessed at. Not improbably they inherited the historic desire of China, which had been felt since the dynasty of Han, to resuscitate the ancient harmony, and, with a view to partially realizing it, followed the educational policy of the earlier dynasties and extended the system in the directions already indicated. T'ang was perhaps no more the originator of the system than was Confucius the founder of the Chinese culture. At the same time, it should be emphasized that T'ang was able to fall back upon the traditions and culture of the preceding centuries, without which, incomplete as was the democratization of its system of education, the latter could not have been established. When Japan considered introduction of the system, she must have discerned a great difference in the state of culture of her people from that in China, which fact probably prompted her statesmen to make, as they did in the Code of 701, the constituency of the candidates still less democratic than in T'ang, admitting only the relatives of the

*kuni* and *kōri* governors into the provincial schools,<sup>1</sup> those of the court nobility above the fifth rank, and volunteers from among the sons of the nobles between the fifth and the eighth rank, as well as any of the descendants of the naturalized Korean and Chinese scholars, into the schools at the Capital<sup>2</sup>; and also after the example of the *jin* (隆, supposed to have been pronounced *an* by the Japanese of the time of the Code) of Tang, opening the path of promotion, without regard to the examinations, to the sons of the higher magnates of the Court.<sup>3</sup> It will be seen that in this arrangement education was distinctly aristocratic, while heredity was recognized side by side with the examination as the basis of official preferment.<sup>4</sup> Compared with the system of Tang, probably the education was as far more aristocratic as was the principle of heredity more broadly recognized. This apparently judicious adaptation in Japan proved pernicious when the Fujiwara family began, from the latter half of the ninth century, to monopolize the court offices, nominate provincial magnates, and manipulate law. As to the precipitous change in the education of the nobles which was necessitated by the introduction of the Chinese system, and the manner in which they at first were fascinated by the new letters and gradually reduced them to a coördinate position with the native learning, their full discussion would seem to require a separate treatment.

<sup>1</sup> It is, however, doubtful that the provincial school (國學) here provided for was really established in each *kuni*.

<sup>2</sup> R. XI. 2.

<sup>3</sup> R. XII., 34, 35, 36, and 38.

<sup>4</sup> The elect from the provinces were called *kōnin* (貢人), while those of the central schools, *konin* (舉人). They competed together at the examinations held at the *Shiki-bu* Department. (R. XIV. 75.)

The details of the examinations (XII. 29, XIV. 70-74) and the degrees (XII. 30), were prescribed by law, largely after the corresponding rules of Tang.

## CONCLUSION.—CHINA AND JAPAN.

Let us now Conclude this chapter by calling to mind our conclusions of the last two sections and comparing them with those of the first two chapters of this work. We observe that there were significant points of difference between China and Japan at the eve of the Reform of the latter country, which would seem to suggest the significance of the conduct of her statesmen in 645, as well as the place of their work in history. These points may be classified under three heads; namely, the institution of the emperor, the organization of the State, and the attitude of the country toward the future.

(1) The Emperor. It has been indicated perhaps sufficiently that in China it was the institution of the emperor that was the author and centre of the entire State organization. It has also been argued earlier in this work that the Reform was brought about, though not by the person, but by the institution, of the emperor, which after having fallen into a grave danger now reasserted its position. Thus in both countries we find the monarch himself the inspiration of the State action. The superficial parallel, however, can be drawn no further, for the conditions which had established the imperial power and the theory by which it justified itself were vastly different in the two countries. This difference need hardly be repeated here. It suffices to say, in brief, that in China the doctrine of virtue, and in Japan the theory of the divine right of hereditary succession to the throne, had become the justification of the sovereign authority. Under such divergent philosophical bases, it was no wonder that, while the Chinese emperor combined in his hands, though at ordinary times less really than nominally, the sway over the law and morals of his people, his Japanese contemporary had been losing his control of law and had never conceived of

the moral instruction of the people as a badge of his sovereignty. If it is remembered that the political system of China largely depended upon the assumption just mentioned, the interest of the student will be aroused to see how it could be reconciled with the radically different ideas of the imperial power in Japan, when she set herself to reproduce the Chinese State-system.

(2) The organization of the State. Here again the difference, both in the state of progress and in kind, is extreme. China had long been, in the technical sense of the term, a State, but was hardly a nation. Her unity was one less of a national sentiment than of a pride of culture: she was the Central State, but not a central nation. On the contrary, Japan was too primitive and too overshadowed by the real and fictitious clan to deserve the name of a State, while no definite conception of being a nation had yet animated her. This difference may in a measure be accounted for by history.

The fundamental difference in the initial conditions of the two countries again and again forces itself upon our mind, that China originally spread from the primitive settlement of tribes in the valley of the Ho to a vast region where there should have been nations instead of a nation, while the Japanese Empire was founded by one predominant tribe in a small, largely isolated, and probably thinly inhabited island. We have repeatedly dwelt upon the fact that in China, while the institution of the family is to this day the most real foundation of society, the tribal organization of the State had long departed before her authentic history began to be written, while in Japan, on the contrary, there seems to have been too few difficulties and too few competitors of importance for the patriarch of the conquering tribe to formulate very early in history the theory of the Imperial succession and to perpetuate a quasi-tribal organization of the Empire. What ingenious fictions were resorted to for this work of perpetuat-

ions and what a peculiar patriarchal hierarchy resulted from them will still be fresh in the reader's mind. The inherent contradiction of the system and its actual Manifestation in history have also been discussed. We find ourselves in China in an entirely different line of political evolution, where dynasties would change and institute in turn some policy whose main purpose would be either, as it was before Ts'in, to compromise the princes and calm the peasants, or, as it was ever after Ts'in, to suppress the decentralizing forces and prolong the life of the ruling dynasty. In earlier times, virtue was thought to be the foundation of political power, and the peace and devotion of the agricultural population the test of the virtue, but the country was too large and princes too many, and, furthermore, human nature too frail, to develop from this doctrine, still less to perpetuate, a real democracy of virtue. On the one hand, the assumption was never forsaken that the people "shall be guided but shall not know," and that the care of the people devolved on the ruler alone, while, on the other, the aspiration of the contending princes was to rise to the supreme position and rule alone. From both ends the idea of a one-man rule was strengthened. During the later Chow, a school of political philosophy appeared to rationalize it, and the philosophy was carried into effect by the rigorous princes of Ts'in. The policy of centralization thus initiated by them tended steadily in the course of time toward the formation of a heavy structure of central and local government which would place the imperial institutions, comprising all from those concerning land and taxation to those of titles and academic degrees, in a position at once highly exalted and yet far-reaching. A gigantic machinery was thus superimposed upon the people who found themselves, so to speak, toiling under it from morn to eve and charged to support it with the issue of their labor. And yet force and virtue, the centripetal and centrifugal



powers of the State, were to be compromised with each other; for the old harmonious civilization had to preserve itself even, as it were, in semblance only. Thus, on the one hand, the hereditary policy of centralization had gradually defined itself into the marked contrast of officers and people, and, among the former class, the famous theories of imperial delegation and official responsibility, while, on the other, the people were given the privilege to rise to the ruling posts through examinations based upon the classics and literature. These conditions and others consequent upon them have produced in China a peculiar combination of the autocratic and the democratic. It is, however, plainly seen that the more fundamental policy centres around the imperious need of centralization, of which the democratic features were originally rather safeguards than checks. Probably the autocratic element in the Chinese government was much more conspicuous in the seventh century than it is at present. Still earlier, when the system of education and examination was ill-organized, the central authority must have been, at normal times, even more crudely dominant. When it is remembered that the policy of centralization was devoid of any efficient means of compromising, by federation or other means, the interests of the different localities of the vast empire, it is not strange that it was doomed to fall to the ground in every century or two, until the more advanced political and educational system of T'ang, with its frequent adjustment to the changing conditions, prolonged its life for a rare period of three centuries. Yet history records how often these long years saw the empire in grave perils of dissolution. In 645, however, the grand organization of the entire machinery of the T'ang government had not yet been a quarter of a century old.

When this system commended itself to the Reformers of Japan, the latter had only removed the immediate rivals of the

emperor, and their country was not yet a State, far less a nation. Could the clan be swept aside, and the State of China reproduced? If so, what could be the spiritual foundation of the new State? Was it the traditional primitive lore of Japan, or a copied formal civilization of China? If the former, how could it be reconciled with a State-system whose foundation was different? If the latter, was it possible to accept the foreign culture without regard to the historic circumstances which had produced it?

(3) The attitude toward the future. Here we touch a point of great interest in the comparative history of Japan and China. In the latter, nearly all the essential factors of her political evolution had at one time or another been in actual operation: new conditions and new changes would develop, but in the final analysis they would be but different manifestations of the same old difficulties, and no new policy of government could be much more than a remodelling and readjustment of the stock of ideas which had already seen the light. Thus again we venture to say that the attitude of China in 645 was, in this sense, rather a retrospective one. In Japan, however, as well in that year as in 1868, while clearly the ancient institution of the emperor was an inspiration of the revolutionary movement, the life of the State did in fact grow into the unknown Future. It is an interesting coincidence that 645 the model of her reform was found in the very country whose historical attitude we have argued to have been contrary to her. Herein we have the first great illustration of the contrast of the Chinese and Japanese history which must appeal to every thinking student. So far as the story of the national civilization is concerned, that of China may well be treated topically, while that of Japan lends itself only to a historical treatment. The Chinese culture was developed almost too early and in too unique and self-contained a manner to make it necessary to trace its changes from one century to another, but Japan has

been a land of reforms and breaks, always open to outside influence and inside transformation, and yet stamping everything with an unmistakably national character. In 645, she turned to China because the latter was in her eye the greatest and most civilized country on earth and her institutions appealed to her probably with the sense of an overwhelming grandeur, and the little knew that her copying of the alien institutions would prove to be a prelude to a national history altogether different from the hope or experience of either China or Japan.

Human history rarely records such a thorough and conscious adaptation of the institutions of one State into another as was made by the Japanese statesmen of the seventh century. Some questions regarding this radical reform have already been suggested: as, for instance, the position of the old theory of the throne in the new system; the change, if any, in the powers claimed by the Empire; the manner of introducing an entirely new conception of the State and the institutions based upon it; and the spiritual foundation of the new Japan. The last question suggests another still more important, namely, what were the effects of the new ideas and institutions upon the life of the people. This question reaches far outside the range of our essay, for it cannot be answered without going some centuries beyond the date of the Reform. With these questions and limitations in mind, we are now prepared to discuss the Reform itself.

## CHAPTER IV.

### THE REFORM.

#### I. THE "CONSTITUTION" OF 604.

It should not be imagined that the actual influence of the Chinese political thought was suddenly and for the first time felt in Japan in 645. As is well known, her relations with Korea, which dated very early in history, acquainted Japan with something of the continental culture, and subsequently the way was opened for a direct communication with China. Precaution is needed, however, in reading in the *Nihongi* the words and deeds attributed to the early emperors and their ministers, which in form and content are distinctly Chinese.<sup>1</sup> The work was composed in 720 when the very atmosphere in the Court was Chinese, when cultured folks thought, spoke and wrote in Chinese. Nor should the account of the conduct of the two surviving sons of the Emperor Ōjin at the decease of their father,<sup>2</sup> only partially corroborated by the *Kojiki*, necessarily be construed as a direct influence of Chinese thought, nor could it be considered strictly authentic. It would at any rate be no easy undertaking to trace in these two books the beginnings of the moral influence of China upon Japan. As to the conscious adoption of Chinese political doctrine and institu-

<sup>1</sup> N. Sujin 14, Keikō 140, Seimu 14 m2, Nintoku 14 m2, Ingiō, begin., Richū 15, Muretsu, begin., Yūriaku 123, Kenzō begin., Ankan 11 m12, &c., &c.

<sup>2</sup> N. Nintoku, begin.; K. Ōjin, end. Also see p. 7, note 3, above.

tions, we may say with tolerable certainty that it began with the reign of the Empress Suiko (593-628). It was then that the Chinese lunar calendar was studied<sup>1</sup> and probably adopted, that the Chinese custom of distinguishing official rank by the form and materials of the cap was imitated,<sup>2</sup> that a code of court etiquette was patterned after the Chinese,<sup>3</sup> that the first Imperial envoy was despatched to China,<sup>4</sup> and that the ambassadors from Korea and China began to be received with a dignity and ceremony which were in nature Chinese.<sup>5</sup> Also students were sent to China, who after sixteen years were reported to be ready to return.<sup>6</sup> At the same time, in 622, a Chinese priest is said to have addressed the Japanese Court thus: "The Land of Great T'ang is a wonderful country, whose laws are complete and fixed. Constant communication should be kept up with it."<sup>7</sup>

Nothing, however, which took place before 645, is more illustrative of the influence of Chinese political thought than the so-called "Seventeen-Article Constitution" of Prince Mmayado, which is said to have been composed by him in 604.<sup>8</sup> This famous document deserves a brief analysis here, not because of its effect, which we infer to have been not very great, but because of its intrinsic nature. It is no constitution or law in the modern sense, for it defines no State institution, contains no positive legislation, and has no word of punishment or enforcement. It is rather a set of maxims written by a high minister of the Empress to his subordinates as a guide of their daily conduct in official life. These maxims, which are arranged in seventeen articles, are in their nature either moral, political, or both. The moral maxims are either Buddhistic or

<sup>1</sup> N. Suiko 710 m10.

<sup>2</sup> Ibid. 711 m12.

<sup>3</sup> Ibid. 712 m9.

<sup>4</sup> Ibid. 715 m7.

<sup>5</sup> Ibid. 716, 719, &c.

<sup>6</sup> Ibid. 7716 and 31.

<sup>7</sup> 731. Aston, II. 150.

<sup>8</sup> N. Suiko 712 m4. Aston, II. 128-133.

Compare Ariga, *Kōaaihō Shakugō*. Chapter I.

Chinese in principle, while all the others are altogether Chinese. Even the Chinese phrases and proverbs are copiously alluded to. This might have been expected of a Prince who was learned in Chinese classics and was also a champion of Buddhism. The latter is upheld in the second article as the universal and ultimate faith of mankind and the foundation of morals. As to the Chinese thoughts which predominate in the rest of the document, it is most remarkable that they completely exclude the political structure of the Japanese Empire, which had, as we shall see, an important place in the Reform of 645, but which here receives no reference whatever. It would be rash to infer from this that the age of Prince Mmayado was not yet so conscious of the peculiarities of Japanese political doctrine as that of Prince Naka-no-Ôye, but certainly the difference between the two is wide. The "Constitution" does not refer to the institution of the emperor except in such words as 君<sup>1</sup> and 詔,<sup>2</sup> which may be applied to the sovereign of any country and his commands. But this is not all, for the third article says, after the fashion of the Chinese *Yih King*, that "the lord is Heaven, the subjects are Earth; Heaven overspreads, and Earth upbears." We know from other articles<sup>3</sup> that the so-called subjects (臣) are officers at Court. Their relations with the lord (君), which must mean the emperor, should be governed by mutual faith, for with it all things will succeed, and without it everything will fail.<sup>4</sup> One would look in vain in these moralizing phrases for the peculiar relation that tied the Japanese emperor to the "servants" of the *kuni* and the *tomo*. In fact, the whole document centres round the duties of the officers, who are considered herein, not as the heads of clans and groups, but as essentially similar to the salaried officers of Sui; the emperor and the

<sup>1</sup> Arts. 1, 3, and 12.

<sup>2</sup> Art. 3.

<sup>3</sup> Art. 5, etc.

<sup>4</sup> Art. 9.



people occupy a subsidiary position. The words 上 and 下<sup>1</sup> mean the superior and inferior officers, not the emperor and the people. They are admonished to be peaceful with one another,<sup>2</sup> to be diligent,<sup>3</sup> to be consulting one another for important business,<sup>4</sup> and to be impartial in their judgments of the litigations of the people.<sup>5</sup> The word "State" (國家) occurs in three articles,<sup>6</sup> and the expression is the customary Chinese phrase. Not less remarkable are the words "public" (公) and "private" (私),<sup>7</sup> but it seems unwarranted to think that they were as in modern times indicative of the affairs concerning, respectively, the State and the individual, for the references would allow another interpretation which seems more in agreement with the conditions that prevailed in 604. That is to say, things pertaining to the emperor were "public," for, if we take it for granted that the notion of the State was still undeveloped in Japan, the emperor must have been identical with it or precedent to it. We, however, come to a clearer position when we meet the word 王 used synonymously with the word 君 (lord).<sup>8</sup> It will be remembered that 王 (*wang*) was the word, which we translated as "king," applied to the sovereigns of China prior to the establishment of the Ts'in Empire. There could hardly be a more unpardonable historical error than to apply it to the Japanese emperor. Yet the author of the "Constitution" goes further and speaks of the "ancient sage kings" and the "ancient good laws"<sup>9</sup> of China as if they were the origins as well as the ideal of Japanese politics. The excuse must be found in the circumstance that these are favorite phrases in Chinese classics which Prince Mmayado adored. Hence also his notion that mutual faith was the

<sup>1</sup> Arts. 5, etc.<sup>2</sup> Arts. 6 and 10.<sup>3</sup> Art. 8.<sup>4</sup> Art. 17.<sup>5</sup> Art. 5.<sup>6</sup> Arts. 4, 6 and 7.<sup>7</sup> Arts. 12, 13 and 15.<sup>8</sup> Art. 12.<sup>9</sup> 古聖王, Art. 7; 古之良典, Arts. 6 and 16.

principle of political relationship between the emperor and his officers,<sup>1</sup> and that sages and philosophers who will perform their official duties to perfection would appear only once in five or ten centuries.<sup>2</sup> Here is reflected the well-known Chinese doctrine of virtue. Again, the Chinese idea in regard to the common people is echoed in the few articles of the document where they are referred to. The officers should be their examples in propriety of conduct.<sup>3</sup> The people shall be employed at proper times.<sup>4</sup> They shall be treated with benevolence.<sup>5</sup> A most remarkable expression occurs in the twelfth article where the local officers are warned not to levy exactions on the people. "In a country there are not two lords; the people have not two masters. The sovereign is the master of the people of the whole country. The officials to whom he gives charge are all his subjects." This must be considered as a direct contradiction of the semi-tribal hierarchy of the Japanese State. The position of its Sovereign might have been thus expanded on paper at the expense of all other institutions on which his power rested, but that was not the intention of Prince Mmayado, who was only reiterating the current phrases of Chinese literature.

We can nowhere in history test what influence the so-called Constitution exerted on the actual politics of the day. The sequence of events would lead us to suppose that, owing more to the inherent weakness of the entire State-system than to that of these articles, things went on much as if the latter had never been written. We saw how the Soga family absorbed political powers in the State one after another, and were on the point of overcoming the Imperial throne itself, when sud-

<sup>1</sup> Art. 9.

<sup>2</sup> Arts. 7 and 14.

<sup>3</sup> Art. 4.

<sup>4</sup> Art. 16. The phrase 使民以時 is Chinese.

denly they fell victims to the plot of a band of loyalists. This again brings us to the year 645.

## II. THE REFORM OF 645-6.

### (1). The Need of a Reform.

It will be remembered that we said at the beginning of the second chapter that the need of such a thoroughgoing reform as was aimed at by the statesmen of 645 is slightly supported by recorded evidence and is only to be inferred. We shall now quote all the passages in the *Nihongi* which may throw light on the conditions existing outside of the Court that seemed to demand a reconstruction. Such passages are found among the Imperial commands pronounced during the years of the Reform, whose object was to remedy prevailing evils. It is singular that we find the evils stated only when we come to the period of the Reform itself. Thus the instructions given in 645 to the new governors of the eastern 'kuni' contain the following statement: "If there be any persons who lay claim to a name, but who, not being Kuni-Miyatsuko, Tomo-Miyatsuko, or Inaki of districts by descent, unscrupulously draw up lying memorials, saying: —'From the time of our forefathers we have had charge of<sup>1</sup> this Miyake or have ruled<sup>2</sup> this district'— in such cases, ye, the governors, must not readily make application to the Court in acquiescence in such fictions, but must ascertain particularly the true facts

<sup>1</sup> 領 (アヅカル).

<sup>2</sup> 治 (オサム).

before making your report.”<sup>1</sup> This passage would indicate the existence of cases, of which the government had not been well informed, of fraudulent retention of Miyake and local districts by persons of doubtful origins. This in turn would suggest a certain laxity of local government and negligence of the central.

An Imperial edict of the same year says: “From of old every Emperor has been accustomed to set apart some people (i.e. the ‘be’) to commemorate his reign and handing down his name to posterity. The Omi and Muraji, the Tomo-Miyatsuko and the Kuni-Miyatsuko, each one has set apart his own people (己民), and arbitrarily compels them to labor. They also cut off the hills and seas, the woods and plains, the ponds and rice-fields, that belong to the local districts, and make them their own property (己財). Their contests are never ceasing. Some engross (兼併) to themselves several tens of thousands of *shiro*<sup>2</sup> of rice-land, while others possess in all patches of grounds too small to stick a needle into. When the time comes for the payment of tributes, the Omi, the Muraji, and the Tomo-Miyatsuko, first collect them for themselves and then hand over a share. In case of repairs to palaces or the construction of Imperial tombs, they each bring their people (己民), and do the work according to circumstances.....[Here the *Yih King* is quoted] .. .....At the present time, the people are still poor, and yet the powerful cut off portions of land and water, and converting them into private ground (私地), sell (賣與)<sup>3</sup> it to the people, demanding the price (價)<sup>3</sup> yearly. Henceforward land shall not be sold (賣).<sup>3</sup> Let no man arbitrarily make himself a lord (主), engrossing the helpless.”<sup>4</sup> Here is a pretty clear indication that

<sup>1</sup> KT. I. 428, lines 7-9. Aston, II. 201.

<sup>2</sup> Aston says a *shiro* is equal to 15.13 acres. (II. 205, note 1.)

<sup>3</sup> Probably the renting of land.

<sup>4</sup> KT. I. 430-1. Aston, II. 204-5. His translation is somewhat altered.

some powerful persons created their own groups of people, appropriated in arbitrary manner lands both from the local districts and from the helpless people, and then let them to the latter on payment of annual rents. And we must infer that these "powerful" men were the very persons who held the highest positions in the Empire.

A counsel of the Emperor to his Heir Prince contains the following clause: "the group-people for commemorating the names of the Imperial princes, established in the days of former Emperors, now in the possession (所有) of several Omi, Muraji, and Tomo-Miyatsuko and Kuni-Miyatsuko."<sup>1</sup> It would seem that even some of these Imperial groups had passed into the hands of the powerful.

A decree in 646 says, among other things: "The Omi, Muraji, Tomo-Miyatsuko and Kuni-Miyatsuko, bearing the names of the early Princes, have divided the various groups according to these names. They also made the people of their groups reside in different localities, one commingled with another. The consequence has been to make father and child to bear different 'kabane,' brothers to be reckoned to different families, while husbands and wives have names (group names?) different from one another. One family is divided into five or six, and contentious suits thus fill both country and Court. Settlement is not come to, and the mutual confusion grows worse and worse."<sup>2</sup> The first part of the first sentence is rather puzzling, and we venture to suppose that it may mean the great men descending from ancient Princes, or otherwise it would be unintelligible how they came to bear their names and control their groups. Furthermore, the process of their spreading over the country may explain at least partially the origin of the Kuni-Miyatsuko, and throw some dim light on the nature

<sup>1</sup> KT, I, 438, line 7.

<sup>2</sup> Ibid. 442. Aston, II, 223-4, with alteration.

of their authority in their local districts. However that may be, it seems tolerably certain that the trouble herein described refers to the inevitable difficulty of continuing the organization of the entire country on the basis of the Clan and the Group. Neither one of these two units could preserve their integrity, even identity.

Taking these four passages together, it would appear that the fundamental institutions of the State were, one and all, in a serious danger of one kind or another. And the danger arose in every case from the abuses made by the nobility of the powers allowed to them by the very structure of the State. The nobles, on the one hand, encroached upon the privileges of the Imperial family, for they even appropriated the Miyake of the Emperor and the Groups of the Princes. On the other, they oppressed the people by forced labor, high tributes, and eviction. The student will, however, always regret deeply that the statements in the *Nihongi* were not more specific than they are, for he is not told how universal the evils were.

It is interesting to see that the extraordinary abuses of the Soga were in their detail an exaggerated picture of the tendencies of the whole machinery of the State, that have been described in this section. By striking them down, the Reform Prince probably removed the most imminent danger, and the rest of his plan thus gained a great momentum. We shall now examine the personnel of the Reform party.

## (2). Who were the Reformers?

It may easily be seen that the Soga had not been more loved than feared by the rest of the nation, so that when they were slain nearly all the Princes and all the nobility of the Court and the country rallied to the side of the great assas-



sinator. From this, however, it does not follow that they were in sympathy with or even anticipated the Reform that was to follow. They may have been attracted by the commanding personality of the Prince, and welcomed his act of destroying the hated enemy of the throne, but they could not possibly have either foreseen or countenanced his deep-laid plan of national reorganization which was to cut into the marrow of their abuses and inherited interests. We must therefore eliminate from the list of the Reformers the numerous Princes, ministers, Omi, Muraji, Tomo-Miyatsuko and Kuni-Miyatsuko, that "one and all followed" the Prince to his place of defence pending the execution of the elder Soga.

Undoubtedly the central characters were Prince Naka-no-Ôye and Nakatomi-no-Kamako later, Fujiwara-no-Kamatari. But before considering them further, we shall see what became of their supporters who had share in the plot of assassination. Of these, Soga-no-Ishikawamaro and Kose-no-Tokudako were at different times after 645 high officers of the State. It is not known that they played an active part in the formation of the new regime, although both occupied important positions in the actual Reform administration. If the two others, a Saeki and a Katsuragi, we hear nothing further after the memorable day of the murder. Probably neither their position nor their ability was particularly remarkable in the constructive work.

On the other hand, two noblemen, an Abe and an Ôtomo, were at different times colleagues of Soga-no-Ishikawamaro and Kose-no-Tokudako, although they had no share in the assassination, and are not known to have done anything more than occupy posts created by the more active Reformers.

There were two other characters who deserve our special attention. In 645, at the accession of Emperor Kôtoku, a Chinese priest named Min and a scholar Takamuko-no-Kuro-maro were styled Learned Men of the States (國博士). Min

came from T'ang in 632,<sup>1</sup> and Takamuko was one of the Japanese students who were sent to China in 608 and staid there at least until 624.<sup>2</sup> Probably no other two men more learned in Chinese institutions could have been found at the time. The six departments and hundred offices of the central government are said to have been promulgated by them in 649.<sup>3</sup> Before that, Takamuko had been in Korea as ambassador during 646 and 647, and in 654 was sent to China, where he soon died. Min died in 653, deeply lamented. From these data we may safely conclude that these two men were important councillors of the Reform Prince.

The Prince, however, was not yet in a position to occupy the throne. The retiring Empress would have nominated him as her heir, had not Nakatomi persuaded him to waive the responsibility in favor of the older Prince Karu, whom Nakatomi had promised to support for the throne. Karu is described by the writers of the *Nihongi* as gentle and benevolent,<sup>4</sup> and his conduct as Emperor was in every respect true to this characterization. His share, however, in the active work of the Reform must be said to be problematical, for it was apparently the policy of the Reform Prince to act through Imperial sanction. It is not therefore possible in all cases to discriminate the initiative of the Emperor from that of the Prince. In one important act,—that of his dealing with the old Miyake and the groups—, the views of the latter seem to have prevailed, but even in this case he did not omit to say that his views were presented at the instance of the Emperor.<sup>5</sup> Another incident reveals an almost startling condition of things in the Court. In 653 the Prince wished to remove the Capital to Yamato, but the Emperor did not approve of it. Thereupon

<sup>1</sup> N. Jomei 34 m8.

<sup>2</sup> N. Kôtoke, 37 Taikwa 5 m1.

<sup>3</sup> Ibid. 438.

<sup>4</sup> N. Suiko 3316 and 32.

<sup>5</sup> KT. I. 425, line 1.

the Prince, together with the Empress Dowager and the Empress and all the younger Princes, went to Yamato, and all the officers followed him. The Emperor resented it and had a mind to abdicate the throne, and sent a plaintive poem to the Empress.<sup>1</sup> This event would seem to indicate the tremendous influence of the Prince, who, though acting behind the scene, seems nevertheless to have been the real master of the situation. The Emperor died the next year, but still the Prince would not come to the front, but remained as Heir Prince. The Empress Dowager resumed the throne.

With the name of the Prince must always be connected that of Nakatomi-no-Kamako. The dramatic story of how the latter first approached the former and how both studied with the scholar Minabuchi and together discussed the plans of reforms will be well remembered by the reader. Nor should it be forgotten that he was a nobleman whose hereditary occupation was to perform the rites between men and gods. At the accession of Emperor Kôtoke he was appointed Naijin and placed "over the various functionaries. In respect therefore to advancements and dismissals, taking measures or abandoning them, everything was done in accordance with his counsel."<sup>2</sup> Yet, notwithstanding his commanding position, his name does not again appear until 654, when his salary is said to have been increased. It is not mentioned that he was ever consulted by the Emperor, and his active work for the Reform, in which we must assume he was the principal participant next to the Prince, seems to have been done, as was the case with the latter, mainly behind the scene. It was only after the accession of the Prince to the throne in 662 that the name of

<sup>1</sup> KT. I. 455.

<sup>2</sup> *Ibid.*, 426. Aston, II. 197.

this statesman recurs with frequency. Until his death in 669 his name preceded all the rest of the ministers.<sup>1</sup>

In summing up, it may be said that in our opinion at least the main work of the Reform of 645-6 was undertaken, with the advice of Min and Takamuko, by Prince Naka-no-Ôye and Nakatomi-no-Kamako.

It is interesting to read in the Nihongi that the people, probably men of birth, who had for some reasons not stated come to the Capital, were freely listened to by the Emperor in 646 in regard to the work of government. It appears from the context, however, that their advices concerned simply matters of detail in administration and justice.<sup>2</sup>

## (2). The Extent of the Reform.

Before taking up one after another different classes of the new institutions, and then analyzing the underlying principles of the entire Reform, it is important first to form some idea of its actual extent. The years 645-6 saw only the beginning of the grand reorganization of the State that was hardly to be completed before the end of the ninth century, but already we see in these two years the general plan laid out in nearly all of its essential features. As will be seen from the subjoined chronological table, the hands of the Reformers touched every aspect of the State-system as they conceived it,—from a new departmental system of the central government to the administration of the smallest unit of local division, and from a minute gradation of office and rank of the nobility to an equal division of land property and of the burden of taxation and military service of the common people.

<sup>1</sup> N. Tenchi 77 m5, 78 m5.

<sup>2</sup> See KT. I. 434-5.

A little discussion is necessary in this connection to clear away a somewhat common misunderstanding of some statements of the *Nihongi*. Some measures of the Reform, as for instance the taking of the census<sup>1</sup> and the collection of weapons,<sup>2</sup> are said to have been executed, not through local officers, but by special agents despatched from the Capital, but what is of great importance to us is that the plan of these and nearly all the other important measures was announced to the local governors, as if they were charged to execute them or at least to prepare for them. These governors, however, were not all appointed at one time, and hence the question of the geographical extent of the local reform must greatly depend on that of the appointment of these officers. Thus the Imperial decree of 645 which ordered a taking of the census, examination of the landholdings of the great men, and collection of weapons in certain places, and which also defined the authority of the new officers, was addressed to the governors of the "eastern" Kuni, including those of the vicinity of the Capital.<sup>3</sup> It does not appear either that similar governors were appointed for the western Kuni, or that the decree was in any way applied to the latter. This fact not a little puzzles us when we read a little later in the same year, 645, that, as has been stated, special agents of the government were sent to all the Kuni, at two different times, now to collect the weapons and then to commence the taking of the census.<sup>4</sup> If the phrase "all the Kuni" (諸國) includes, as it nearly always does, the western as well as the eastern part of the Empire, we must take it that in the former the execution of these two important measures preceded an appointment of local governors.

<sup>1</sup> KT. I, 430, line 11.

<sup>2</sup> Ibid., line 5.

<sup>3</sup> Ibid., 428.

<sup>4</sup> KT. I. 430, lines 5 and 11.

Then follows the famous "Decree of the Reform" of 646, which is not stated to have been addressed to any set of governors. It is by far the most comprehensive decree that was issued during the two years of reform. It defines the central region (the Kinai) of the Empire, classifies the Kôri according to their sizes, orders a new organization of the village, and announces the laws of land-allotment and taxation. Here again the adjectives 諸 and 凡, generally meaning "all," appear, but we think that an announcement of a universal law should not always be construed as implying in itself its immediate universal application. It is at least intelligible that the Decree may have been little more than a mere announcement, so far as the western regions were concerned. At this time, there were in the Capital some men from the eastern Kuni who reported on the conduct of their governors, and the latter were accordingly praised or blamed.<sup>2</sup> Nothing of the same nature is recorded of the western part of the country.

A passage in the same year, 646, leads us to think that, pending the appointment of all the governors, the old Kuni-Miyatsuko were, as might be expected, to perform some functions as local officers. "The Kuni-Miyatsuko," it says, "of all the Kuni of the four quarters" shall, according to a recent Imperial decree, undertake to promote agriculture among the people.<sup>3</sup>

This was in the third month of the year. In the eighth month, another decree, ordering the allotting of land, levying of the new taxes, and defining of the Kuni, was addressed to the Kuni-Miyatsuko and "the governors now to be despatched."<sup>4</sup> It would appear that these governors may have been intended for the western Kuni, because those for the eastern

<sup>1</sup> KT. I. 431-3.

<sup>2</sup> Ibid. 435-8.

<sup>3</sup> Ibid. 442, line 3.

<sup>4</sup> Ibid. 443, line 3.



Kuni had already had their official conduct reviewed by the central authorities. We may therefore reasonably expect that the measures of the Reform were carried out in the west, as well as in the east, from the end of 645, although it is only in 650 that a western governor, that of the Kuni of Anato, is for the first time specifically mentioned in the *Nihongi*.<sup>1</sup>

Below is a chronological table of the successive steps taken by the Reform government<sup>2</sup> :—

- |                 |   |
|-----------------|---|
| 6th month, 645. | Emperor Kōtoku enthroned.   |
| „ „ „           | The three Ministers appointed.  |
| „ „ „           | The oath of allegiance.   |
| „ „ „           | The naming of the first year-period,<br>Taikwa.   |
| 8th month, 645. | The eastern governors appointed, and<br>instructions given to them. Appeals of the people<br>from their group-heads to the government and the<br>Emperor granted. Status of the free and the unfree<br>defined. The Buddhistic church organized, protected<br>and controlled. |
| 9th month, 645. | (The revolt and fall of Prince Furubito.<br>An opposition party eliminated.)  |
| 9th month, 645. | Arms of the country collected.  |
| „ „ „           | The powerful men forbidden to engross<br>land.  |
| 1st month, 646. | The Decree of the Reform, abolishing<br><i>miyake, tomo</i> and private estates, establishing salaries<br>for the officers, defining the central region and the   |

<sup>1</sup> KT. I, 450, line 2.

<sup>2</sup> It should be remembered that the years indicated in the table are rendered into the Christian era, with the corresponding years of which they coincide only in their major part. The months, on the other hand, if the original years are retained, for the reason that we are not able to verify Mr. Bramsen's astronomical computations. The same remarks apply to the years and months all through the rest of the work, wherever the former are given in the Christian era.

smaller administrative units, and regulating land-allotment and taxation.

1st month, 646. Armories ordered to be built in the *kuni* and *kôri*.

3rd month, 646. Conduct of the eastern governors reviewed.

3rd month, 646. The *mita* and *miyake* confiscated.

” ” ” Abuses of burial and marriage and some popular evil customs corrected.

8th month 646. }

1st ” 647. } The intention of establishing a new order of rank and office announced.

10th month 647. Thirteen cap-ranks.

2nd ” 649. Nineteen cap-ranks.

” ” ” Eight departments and numerous offices established.

4th month 652. The allotment of land completed, and the census made. Villages organized in units of five houses.

We shall now take up the new institutions by classes and discuss them in detail.

#### (4). The Central Government.

The first of the new officers to be appointed were three Ministers and two Learned Men (國博士).<sup>1</sup> The duties of the latter were, as we have said, to act as councillors in matters of law and institution. The former were the highest officers of the State. Of these, the *Sa-Daishin* (左大臣), Great Minister of the Left, and the *U-Daishin* (右大臣), Great Minister of the Right, were direct advisors of the Emperor and presided over

<sup>1</sup> KT. I. 426.

all other officers. The tenure of the third, the *Naizhin* (内臣), Minister of the Inner Court,<sup>1</sup> who was no less person than Nakatomi-no-Kamako, seems to have been less defined than that of his two colleagues, so much so that it appears his office, like that of the *Dazhō-Daishin* (大政大臣) of the Code of 701,<sup>2</sup> was a variation of the Chinese virtue-minister whose origin and position we discussed in the last chapter, rather than a strictly political one.<sup>3</sup> Kamako seems to have stood in a closer and more influential relation with the Emperor and the Heir-Prince, although he does not appear to have shared as much active responsibility as his colleagues. Probably his duties were more advisory than executive. In this regard his position may have been as unique as that of the Heir-Prince, with whom also the personality rather than the office seems to have been the main cause of his great influence.

The word "daibu" (大夫) which frequently occurs<sup>4</sup> shall not distract us, for it was apparently a general name for the more important officers of the State below the three Ministers. We are not told how these officers had been organized before the Eight Departments were established in 649.<sup>5</sup> As to the latter, their names and organization are not stated in the *Nihongi*, and we know from the Code of 701 that, if we assume that their names had not changed during the interval, they were:—

1. the *Nakatsukasa-Shō* (中務省), department of matters pertaining to the Emperor, and of bibliography;<sup>6</sup>

<sup>1</sup> A free translation.

The *Naizhin* should not be identified with the later *Nai-Daishin* (内大臣).

<sup>2</sup> R. II-2.

<sup>3</sup> The Emperor consulted the other Ministers for an important State action. KT. I. 427, line 9. Also see 453, line 2.

<sup>4</sup> KT. I. 427, line 10; 431, line 10; 445, line 1; 455, line 4; &c.

<sup>5</sup> Ibid. 447, line 1. Also see 443 & 444.

<sup>6</sup> R. II-3.

2. the *Shikibu-Shô* (式部省), departments of court rites and civil office ;<sup>1</sup>

3. the *Jibu-Shô* (治部省), department of affairs concerning the persons of the nobles, and of national etiquette ;<sup>2</sup>

4. the *Mimbu-Shô* (民部省), department of the people ;<sup>3</sup>

5. the *Hiobu-Shô* (兵部省), department of war ;<sup>4</sup>

6. the *Giôbu-Shô* (刑部省), department of punishments ;<sup>5</sup>

7. the *Ôkura-Shô* (大藏省), department of national treasury ;<sup>6</sup>  
and

8. the *Kunai-Shô* (宮内省), department of Imperial treasury.<sup>7</sup>

It is by no means certain, however, whether the year 649 saw the actual installation of these Departments. However that may be, one will not fail to observe in this system the influence of the Chinese *Shāng* (省) and *Fu* 部. The following scheme will probably furnish something like a general view of the modifications made in Japan of the Chinese institutions of central government :

(Chinese)	(Japanese)
I. 尚書省	{ 1. 吏部 ..... 2. part of 式部省. 2. 戶部 ..... 4. 民部省. 3. 禮部 ..... 3. part of 式部省 and 5. 治部省. 4. 兵部 ..... 5. 兵部省. 5. 刑部 ..... 6. 刑部省. 6. 工部... distributed in several 省.
II. 門下省	{
III. 中書省	..... 1. 中務省.
IV. 祕書省	{
V. 殿中省	{
VI. 內侍省	..... 8. 宮内省.

<sup>1</sup> R. 11-13.

<sup>2</sup> Ib. 16.

<sup>3</sup> Ib. 21.

<sup>4</sup> Ib. 24.

<sup>5</sup> Ib. 30.

<sup>6</sup> Ib. 33.

<sup>7</sup> Ib. 39. The distinction between the national and Imperial treasuries is not, however, sharply drawn between the two departments, although the general distinction holds good.

It is not safe to infer any further from the Code of 701 back to the inchoate organization of 649. The expression "a hundred offices" (百官)<sup>1</sup> which are said to have been established at the same time with the Eight Departments, presumably as their subdivisions, shall not be taken literally, for the phrase had been a favorite one with the Chinese since earliest times.

It is hardly necessary to go into the detail of the cap-rank (冠位) which was prescribed in 647 and revised in 649.<sup>2</sup> It was the copying of another time-honored institution of China.<sup>3</sup>

What claims our especial attention is the question of emolument of the officers. An extension of the accustomed method of conferring on them superiority over land and people was not to be thought of. The Reformers turned to two forms of the Chinese official salaries that were described in the last chapter. One of them was called in Japanese *fû* (封),<sup>4</sup> an equivalent of the Chinese *fang-hu* (封戶), which was the assigning to an officer of a certain number of the houses of the peasants, without, however, granting exclusive rights over them, but a simple right of receiving from them the normal amount of taxes otherwise due to the government. This right was attached to the office, and not to the person. Nakatomi-no-Kamako, was in 645 increased a certain number of houses of *fû*,<sup>5</sup> and again in 654.<sup>6</sup> In 646 all the higher officers were granted the same kind of salaries according to their rank.<sup>7</sup> The Nihongi gives

<sup>1</sup> KT. I. 443; 444; 447, line 1; 451, lines 1 and 7; and 452, line 2.

<sup>2</sup> KT. I. 445, 446.

<sup>3</sup> It will be remembered that the Empress Suiko had already adopted the system in 603, which was now twice modified. See N. Suiko, *y*11 *m*12.

<sup>4</sup> More accurately, *shikifu* (食封) or *fuko* (封戶). The native word was *hehito*.

<sup>5</sup> KT. II. 426, line 2.

<sup>6</sup> Ibid. 455, line 7.

<sup>7</sup> Ibid. 431, lines 10-11.

us no idea as to the actual gradation of the *fü*, which was so minutely worked out in the Code of 701.<sup>1</sup> Nor does the vexed but inevitable question in regard to the normal size of the "house" seem to have been raised so early.

The other kind of the new emolument was what is commonly called *roku* (祿),<sup>2</sup> which consisted of periodical grants, out of the national treasury, of issues of taxes in kind, especially cloths. Although such was the common meaning of the term,<sup>3</sup> it had in a less technical sense a far wider application, for any occasional giving of articles, whether to the foreigner and the barbarian or to the winner of a tournament, came to be called by that name.<sup>4</sup>

It does not appear that the Chinese institution of salaries in land was introduced into Japan in 645, although it, too, was under the names of *shikibun-den* and *i-den* elaborately defined in the Code of 701.<sup>5</sup> There is one passage in the *Nihongi*, however, which seemingly implies the existence of the land-salary. Various *Mita* were abolished, it is said, and their lands were distributed among the numerous Omi and Tomo-Miyatsuko.<sup>6</sup> Yet it is possible that these lands may have been given to them, not as salaries, but as appanages of their noble birth, which had often accompanied extensive holdings of land, for their ancient privileges had not yet been entirely done away with. At any rate, the word *shokubun-den* and other similar technical terms concerning the land-salary do not occur in the *Nihongi* during the reign of the Emperor Kôtoke.

<sup>1</sup> R. XV-10.

<sup>2</sup> KT. I. 431, line 11; 452, line 4.

<sup>3</sup> R. XV.

<sup>4</sup> Instances are innumerable in the last books of the *Nihongi* and all through the *Zoku-Nihongi*.

<sup>5</sup> R. IX-4, 5, 8 and 9.

<sup>6</sup> KT. I. 438, line 3.



(5). The Local Government.

It will be remembered that in the last chapter we repeatedly emphasized the historic division in China between the central region the *Ki*, 畿 and the outside provinces. The *Ki* originated, as we have seen, in the Royal Domain of the ancient dynasties, and had nearly always been organized, even after the inauguration of the imperial polity, somewhat differently from the rest of the Empire. This, we thought, may have been due, partly to the enormous extent to the country, and partly to the traditional policy since Han to raise in important and dignity the position of the site of the central government. Yet this peculiar geographical division was reproduced in such a small country as Japan. The Decree of the Reform of 646 defined the limits of the *Kinai* 畿内, Inner Country, and established therein governors of the *Kuni* and the *Kôri*, barriers, outposts, guards, and special and ordinary post-horses.<sup>1</sup> As yet there does not appear the differential treatment of the Inner Country, that grew up later on, in regard to land, taxation, and general administration.<sup>2</sup> At any rate the *Nihongi* says nothing further about the *Kinai* during our period.

Both within and without the *Kinai*, the largest territorial divisions were *Kuni*, to which the Chinese character *Kwo* (國) was applied. That they had not yet been clearly defined in every case will be seen from the Imperial order of 646 that the new governors should present descriptions or charts of the *Kuni* showing their boundaries, and that their names would be

<sup>1</sup> KT. I. 432. Aston, II. 257.

<sup>2</sup> One exception may here be mentioned. The census and land-allotment were done by special commissioners, not by the *kuni*-officers, in the "six *Kôri* of Yamato," in 645, as they were later in all of the *Kinai*. See KT. I. 428, line 11.

defined at a later time.<sup>1</sup> It is possible that in many cases several districts which had hitherto been loosely called *Kuni* or *Kôri* were now to be united into a fewer number of *Kuni*, whose names were here promised to be definitely settled at some future date. This we infer by comparing what we know of the nature and number of the *Kuni* before the Reform<sup>2</sup> with what is to be gathered about those after it. From this undecided state of things, it is natural that the gradation of the *Kuni* according to their relative importance is not known to have been made in 646.

Such a grading was, however, made of the *Kôri*, which were comprised in the *Kuni*. The *Kôri* had been represented sometimes by the Chinese character *kiun* (郡), sometimes by *h'ien* (縣), and often by the combination of both; but from 646 on 郡 was the character almost exclusively used, so that the student of comparative history of China and Japan may wisely guard himself against misunderstanding that might be caused by the great disparity of the size of the 郡 in the two countries. The *Kôri* were in 646 divided into four grades, according to the number of houses contained in them. A *Kôri* of the first class (大郡) comprised forty *Sato*, that of the second (中郡), between four and thirty *Sato*, and that of the third (小郡), three *Sato*.<sup>3</sup> We shall presently explain the nature of the *Sato*, but it suffices here to note that it consisted of fifty houses. Thus the *Kôri* was a district comprising from about 150 to 2500 houses. We would not think that it was in most cases a new arbitrary division created for purely administrative purposes. The fact of the gradation itself would seem to suggest that the *Kôri* were rather old well-known districts aggregating resident families which varied in number from one district to another.

<sup>1</sup> KT. I. 443, lines 5-6.

<sup>2</sup> See pp. 49 and 50 above.

<sup>3</sup> KT. I. 432, lines 5-6.

This supposition will further be supported by the nature of the governor of the *Kōri*, which will be discussed later on.

It seems to us that, in this regard, the position of the *Sato* (里) was far different from that of the *Kōri*. "Let every fifty houses," says the Decree of the Reform, "be reckoned a *Sato*, and in every *Sato* let there be one elder who shall be charged with the superintendence of the houses and the people, the direction of the sowing of crops and the cultivation of mulberry trees, the prevention and examination of offences, and the enforcement of the payment of taxes and of forced labor."<sup>1</sup> This mandate was carried out, for we read in 653 that "the census was made. Fifty houses were made a *Sato*, and for each *Sato* there was one elder. The eldest of the family was always made the head of the household. The houses were all associated in groups of five for mutual protection, with one elder to supervise them one with another."<sup>2</sup> It is apparent from these two passages that the *Sato*, as well as the group of five houses, was a newly created administrative unit. The name, as we know, was an old one, but the institution was borrowed from China, where the *Li*, represented by the same character as the *Sato*, consisted in T'ang of one hundred houses. Does such an arbitrary grouping of houses always imply either an absence or a failure of the resisting power of a real or fictitious blood relationship as the foundation of village organizations? A few fragments of the census-records of the early years of the eighth century which have come down to us<sup>3</sup> show that closely related families often resided in neighboring houses, while the division of the *Sato* of nearly fifty houses was still preserved in 702.<sup>4</sup> It is evident

<sup>1</sup> K.T. I. 432, line 9. Aston, II. 208, with alterations.

<sup>2</sup> Ibid. 453, lines 9-10. Aston, II. 242, with alterations.

<sup>3</sup> See all through DK. I.

<sup>4</sup> DK. I. 49-50. The case of 721 (DK. I. 219-221) shall be explained differently.

that the line of administrative demarkation could not always have been bent, under such a system, to coincide with that of a consanguinous village. It is possible to conceive of two neighboring houses belonging to two different territorial units without in a serious manner affecting their sense of kinship or any social custom built upon it. Indeed examples of this sort may possibly be pointed out by a careful analysis of the old records just referred to. It would, however, be difficult to form a picture in our mind, from the imperfect accounts in the *Nihongi*, of the actual conditions that existed in the Japanese village prior to the Reform. The groups are said to have been, how universally we know not, comingled one with another, and families branched off indefinitely.<sup>1</sup> The meagre evidence that we possess seems to suggest that, on the eve of the Reform, blood in the village life had become, at least in some places, tolerably thin. Otherwise the group, the *Mita*, and other similar institutions could not have so summarily been abolished as we shall see that they were; nor could the new *Sato* have held its own so well as it did against the old local magnate and his clan or group. The *Sato* was confirmed by the Code of 701,<sup>2</sup> and its subsequent changes were due to other causes than the resistance of the older village institutions, which seem to have gradually sunk in vitality.<sup>3</sup>

Closely connected with this problem is that of the elder of the *Sato* and of the group of five houses. Neither the *Nihongi* nor the Code of 701<sup>4</sup> says more than that there should be such an elder. Was he elected by the people, or appointed by the

<sup>1</sup> See page 259 above.

<sup>2</sup> R. VIII-I.

<sup>3</sup> It should not be thought, of course, that each *Sato* contained precisely 50 houses. Such an arrangement was admitted even in the Code of 701 to have been impossible. See R. VIII-I.

<sup>4</sup> R. VIII-I & 9.

higher authorities, or appointed by virtue of an informal selection? At the same time, the expression "the head of the village" 村首 occurs twice in the account of 645-6<sup>1</sup> where he is apparently referred to as one of the old institutions, which were henceforth to be superseded by the new and remain, if at all, only in name. From the consideration that the *mura* 村, village, had never been an established local unit, it is probable that its head was not more than one of the influential persons of a small district. It is even conceivable that, in case either of appointment or of popular selection, such persons as these were apt to be chosen as the elders of the *Sato* and its subdivisions.

It is interesting that the higher officers of the *Kôri* were chosen from among the old *Kuni-Miyatsuko*.<sup>2</sup> The subsequent development shows that, while the officers of the *Kuni* were always under a direct control of the central government and had a more or less fixed term of office, those of the *Kôri*, held their places for life, and often through several generations by heredity, and, although in theory responsible to the head of the *Kuni*, were but slightly under the central control. The origin of this development may be seen in the rule of 646, which has been just referred to, that the *Kuni-Miyatsuko* should furnish men for the more important offices of the *Kôri*, who must have lived in or near them. It seems safe to infer from this that the *Kôri* in reality antedated the Reform as local districts, that some of them had indefinitely been called sometimes *Kôri* and sometimes *Kuni*, and that many of them had been under the control of *Kuni-Miyatsuko*.

It was, however, the two highest officers of the *Kôri* that were chosen, by the *Kuni*-officers, from among the *Kuni-Miyatsuko*. They were the *Dairi* (大領), Governor, and the

<sup>1</sup> KT. I. 431, line 10; 441, line 12.

<sup>2</sup> Ibid. 432, line 6.

*Shôrei* (少領),<sup>1</sup> Assistant Governor. The general name for both was *Gunrei* (郡領),<sup>2</sup> *Rei* (Governor) of the *Kôri*. The lower officers were the Secretaries (*Matsurigotobito*, 主政) and Clerks (*Fumibito*, 主帳). All the four grades were in general called *Gunshi* (郡司),<sup>3</sup> that is, *Shi* (officers) of the *Kôri*. It would be legitimate to substitute, in English, *Kôri*-Governors and *Kôri*-officers for *Gunrei* and *Gunshi*,<sup>4</sup> respectively.

The *Kuni*-officers, called *Kokushi* (國司),<sup>5</sup> were also divided into four grades of the Governor (*Kami*, 長官), Assistant Governor (*Suke*, 次官),<sup>6</sup> Secretaries (*Matsurigotobito*, 判官), and Clerks (*Fumibito* 主典).<sup>7</sup> It may be said here that the division of every group of offices into four ranks originated in China.<sup>8</sup> The *Kuni*-officers were chosen by the central government from among the men of birth,<sup>9</sup> as it seems, who had lived near the Capital. The local *Kuni-Miyatsuko* do not seem to have furnished men for the new posts, but, on the contrary, some of them criticised the conduct of the governors and reported on it to the central authorities.<sup>10</sup>

The eastern part of the Empire, including the Inner Country, was divided into eight circuits (東方八道), for each of which a staff of *Kuni*-officers was appointed in 645. This would seem to confirm our view that the *Kuni* had not yet been a clearly defined local division, for there were both before and after the Reform more than eight *Kuni* in the east. It is to be regretted

<sup>1</sup> The old pronunciation of these two offices is said to have been *Oho miyatsuko* and *Suke-no-miyatsuko*.

<sup>2</sup> The *Kôri-no-miyatsuko*.

<sup>3</sup> The *Kôri-no-mikotomochi*.

<sup>4</sup> For this paragraph, see KT. I. 432, lines 5-7.

<sup>5</sup> Or, *Kuni-no-mikotomochi*.

<sup>6</sup> KT. I. 428, 432.

<sup>7</sup> KT. I. 428.

<sup>8</sup> Okamoto.

<sup>9</sup> KT. I. 435, line 6.

<sup>10</sup> KT. I. 435-7.



that the names of the more important of the eastern governors that appear in the *Nihongi*<sup>1</sup> are not accompanied by the names of the places to which they were sent. As to the western governors, as we have said, only the name of an officer of the *Kuni* of Anato appears.

We shall now discuss the nature of the authority of the *Kuni*-officer. They were charged to take the census<sup>2</sup> and register the cultivated lands,<sup>3</sup> to investigate the claims of the old local magnates,<sup>4</sup> to make an equal allotment of lands,<sup>5</sup> to encourage agriculture,<sup>6</sup> to levy the new taxes,<sup>7</sup> to appoint *Kôri*-officers,<sup>8</sup> to organize the *Sato*,<sup>9</sup> and to collect the arms of the people.<sup>10</sup> Although as a matter of fact a part of these duties was, as we have seen, performed, probably for despatch, by special commissioners from the central government and also by *Kuni-Miyatsuko*, they were evidently regarded as belonging to the jurisdiction of the *Kuni*-governors, as they also were in later ages. Their negative duties were, not to accept bribes, not to employ many people as retinue in their entries into the Capital, and, most interesting of all, not to sit in judgment over the offences of the people.<sup>11</sup> The infringements made on these rules by the eastern governors were personally judged by the Emperor in 646.<sup>12</sup> The judicial powers of the governor, however, which were almost

<sup>1</sup> KT. I. 450, line 2.

<sup>2</sup> Ibid. 428, line 2 ; 432, line 8 ; 453, line 9.

<sup>3</sup> Ibid. 428, line 2 ; 443, line 4 ;

<sup>4</sup> Ibid. 428, lines 7-9.

<sup>5</sup> Ibid. 432, line 8 ; 443, line 3 ; 453, line 5

<sup>6</sup> Ibid. 442, lines 2-3 ; 443, lines 6-7 ;

<sup>7</sup> Ibid. 443, line 5.

<sup>8</sup> Ibid. 432, line 6.

<sup>9</sup> Ibid. 432, line 9 ; 453, lines 9-10.

<sup>10</sup> Ibid. 428, line 10.

<sup>11</sup> KT. I. 428, lines 2-4, 5-6.

<sup>12</sup> Ibid. 436-8.

nil in 645, were as a matter of course increased after the eighth century ; growth of business must have necessitated it. The object of the first Reformers, however, seems to have been to place the local officer under a thorough control, and, for that purpose, some *Kuni-Miyatsuko*, who were otherwise subject to his authority, were encouraged to keep a sharp eye on his conduct and report on it directly to the central government. The system of supervising local government by specially appointed officers was not yet initiated.

These *Kuni-Miyatsuko* came to the Capital together with the *Chôshûshi* (朝集使),<sup>1</sup> or, commissioners from the *Kuni* sent to the central government. The former appear soon to have ceased to come, but the latter long remained as an established institution. They were the principal means of communication between the Capital and the *Kuni*, as they brought with them every year various official reports and issues of certain taxes and returned with whatever orders were given by the central authorities. The *Nihongi* gives us little idea of whom they consisted, but in later times they were of the two lowest ranks of the *Kuni*-offices. It will be remembered that a precisely similar institution existed in China. There, however, the enormous extent of the country must have been unfavorable to its continuance, but in Japan the difficulty was comparatively slight, and the institution must always have occupied a highly important place in the machinery of the whole State-system.

In this connection may be considered the beginnings of the horse-post system, which in later times grew to be an immense burden on the people. The local governor was authorized, when he travelled on public business, to ride the horses and eat the food of his district.<sup>2</sup> The Decree of the Reform of 646

<sup>1</sup> Or, *Mawideki-ugonaharu-tsukahî*. See KT. I. 434, line 9; 435, line 1; 435-6; 443, line 3.

<sup>2</sup> KT. I. 428, line 4.

went further and established in the Inner Country and other places both special (驛) and ordinary (傳) horse-posts, whose service was to be secured by the itinerant officer on showing his bell-token (鈴契), which by its shape and the number of its small globular bells indicated how many horses the bearer was entitled to.<sup>1</sup> As the public transactions and the tributes from the local districts grew in amount and frequency, the horse-posts of the two kinds greatly increased, and the care of the horses and the labor of the drivers, as well as the expense of supporting them, became very onerous.

This institution was also copied from China, as was another, that of barriers *seki*, 關.<sup>2</sup> These were established in different points in the *Kinai* and the other parts of the country, and were specially guarded.<sup>3</sup> Their number is not stated. Their purpose may have been to ward off suspicious travelers. In later times, three barriers,—at Suzuka of Ise, Fuha of Mino, and Arachi of Yechizen<sup>4</sup>—were considered particularly important, perhaps because they were situated on strategic points of the most important roads toward the east.

(6). Land.

For their policy in regard to the important question of the landed property of the people, the Reformers found its model in the principles and terminology of the Chinese land institutions, which we briefly discussed in our last chapter. Here again the statements in the *Nihongi* are too concise for a constructive reasoning, and we would be inclined to suppose that the brevity of the account, of this subject as well as of

<sup>1</sup> KT. I. 432, lines 1 and 8-9.

<sup>2</sup> She Liu H 'ü, XLIII. 27.

<sup>3</sup> KT. I. 432, lines 1 and 8.

<sup>4</sup> R. XVII-54. They were abolished in 789.

others, may have been due as much to the incompleteness of the initial reform, as to the condensed writing of the work which does not pretend to throw out of proportion a period of its historical account by describing the detail of its laws and institutions. Fortunately we have the Code of 701 in its entirety, which after a half century sought to define and complete the work of the Reform in its different aspects. The desire of completion was probably suggested, partly by a more advanced knowledge of the laws of China, and partly by the experience gained during the period immediately following the grand reconstruction when curiosity must have been intense and the power of political observation fresh. It is precisely this condition, however, which makes it at times unsafe to infer the laws of 645 from the Code of 701. Yet it would be justifiable, perhaps, when the fragmentary accounts of the *Nihongi* are seriously incomplete, not only in their data, but also in their logical connection, to refer to the statements in the Code and seek in them suggestions as to the general principles and intentions that may have guided the policy of the Reformers on a particular question. In this process of criticism must the historical accounts such as can be found in the *Nihongi* and the *Zoku-Nihongi* for the intervening period, that might bear on the subject, be carefully considered. When these are scarce or inadequate, then an inferential reasoning on political, social and economic grounds must be allowed, in order to fill up the gaps of thought that may lie between 701 and 645. But then the student will have removed a few paces from the field of criticism and passed into the domain of interpretation, in the latter of which his success will entirely depend on his training in anthropology<sup>1</sup> in its widest extent.

<sup>1</sup> The word "anthropology" is apt to variously interpreted. What the writer means by the term is a scientific treatment of the so-called human subjects, as

The taking of the census, as well as the examining of the land-holdings of the people, both great and small, was ordered for the eastern *Kuni* in 645.<sup>1</sup> The Decree of the Reform of 646 went further in saying: "Let there now be made for the first time the census of the people (*koseki*, *he-fumuda*, 戸籍), the census for taxation (*keichō*, *kadzu-no-fumuda*, 計帳, and a system of the receipt and re-granting of allotment-land (*kenden-shūji*, 班田收授)."<sup>2</sup> Observe that the three terms are precisely the same as the Chinese *hu-tsi*, *ki-chang*, and *pan-t'ien show-show*, which were defined in the last chapter. Toward the end of the same year, the new local officers now about to be despatched were charged thus:<sup>3</sup> "In regard to the method of administration notified last year to the court assembly (of the *Chōshūshi*), let the previous arrangement be followed, and let the rice-lands be received and measured<sup>4</sup> and granted equally<sup>5</sup> to the people, without distinction of persons. In granting the rice-lands,<sup>6</sup> if the peasants' houses are near the lands,<sup>7</sup> those that lie near should have the preference."<sup>8</sup> In 652, "the allotment of rice-lands was completed."<sup>9</sup>

distinguished from the natural. It is his opinion that the historian of the future, especially when he treats of regions outside of Europe, should be equipped with a thorough outfit in the political, social, economic, and general mental evolution of mankind. A treatment of a civilization other than the European would have little value unless its data were interpreted in general terms of humanity.

<sup>1</sup> KT. I. 428.

<sup>2</sup> Ibid. 432, line 8. (Aston, II. 207-8, with great changes.)

<sup>3</sup> Ibid. 443, lines 3-5. Aston, II. 225, with alterations.

<sup>4</sup> 收數. Aston's tense I cannot accept.

<sup>5</sup> 均給. "給田.

<sup>7</sup> Another variation from Aston's translation.

<sup>8</sup> This is again the same as the system of Tang. See Liu H 'ü, XLIII. 12. The Code of 701 reiterates the Provision. R. IX. 20

<sup>9</sup> KT. I. 453, line 5. I have purposely avoided the disputed passage preceding the present one, because it has no direct bearing upon our question. Mr. Aston (II. 241) construes it after the *Shūkai*, without any comment. The *Shūkai*'s construction is a doubtful one.

These are the only passages during the reign of the Emperor Kōtoku that specifically refer to the allotment of land. Their very brevity suggests many important problems, some of which can perhaps never be answered.

In the first place, the examination and registration of landed property that seem to have been made, if at different times, all over the country, must imply a common standard of measurement. It is not known that the pre-Reform period had had any standard, save a modified Chinese system which appears to have been in use for some time before 645. It was now officially adopted. The Decree defined a *tan* (kida, 段) as 30 paces in length and 12 in breadth, and ten 'tan' formed a *chō* (町).<sup>1</sup> Both examination (校) and allotment (班) must have been conducted on that basis.

The *Nihongi* does not tell us whether the lands were graded according to their fertility, as they were in later ages, or whether they were all registered by their extent, regardless of the difference in value. While it is plain enough that the success of the allotment and of the taxation based thereon would depend in a large measure on such valuation, its need does not seem to have been clearly seen even in 701. At least it found no expression in the Code, save that the lands that allowed cultivation only in alternate years should be allotted in double quantities.<sup>2</sup> It is rather inconceivable that, if the need of a classification of lands by value was understood, it should not have found its way into the Code, and, again, that, if it were already seen in 645, it could have been forgotten in 701. So we may perhaps infer that valuation was not in the programme of the Reform.

<sup>1</sup> K.T. I. 432, line 10. Cf. Ibid. 453, line 6. One pace being 5 *shaku*, or, about 5 feet, a *chō* would be nearly equal to 2 acres, and a *tan*, .2 acre. The present *chō* is about 2.5 acres, and *tan*, .25 acre.

<sup>2</sup> R. IX-3. This is the "yakuden" (易田), whose pattern we referred to in the last chapter. See p. 198 and note 3.



The examination was, we are told, followed by the reception 收 of the lands into the hands of the government. Whether or no the Reformers were conscious of what a radical political philosophy, as it in its last analysis is, was at the foundation of their undertaking, they must have known that they were in good faith copying a famous Chinese institution, whose origin and history we discussed in the third chapter.

The reception of land was antecedent to its regranting. It is unnecessary to say that the receiving and the granting (授, 給) spring from the same political doctrine. More important, however, than the question whether the Reformers were aware of its full significance, is the one whether the allotment was intended to be periodical. Did they imagine that it would, once for all, bring the old evils of engrossment of land to an end and forestall a similar development in the future, without recourse to a frequent redistribution? Did they know that the system of allotment had met repeated failures in its native home China? Turning to the laws of T'ang, we observe that the original intention of her law-makers was to make a re-allotment every year.<sup>1</sup> The Japanese statesmen of 645 must have known of it as well as they knew of the initial allotment. Yet the *Nihongi* gives us neither the intention nor the fact of a re-assignment until the year 692, when special commissioners of land-allotment were despatched in the Inner Country.<sup>2</sup> If we may infer from the Code of 701, the examination and allotment outside the Inner Country were undertaken, not by special agents, but by the *Kuni*-officers, and hence we may conclude that the absence of a reference to the latter in 692 does not necessarily indicate that a redistribution was not made outside of the Inner

<sup>1</sup> Liu II 'ü, XLIII. 12.

<sup>2</sup> N. Jitô, 16 mo.

Country. Granting for a moment that in that year a universal reallocation was really accomplished, it is, so far as is known, the only recorded instance between 652 and 701, the date of the Code. It is possible that the other cases have for some reason been omitted by the writers of the *Nihongi* and the *Zoku-Nihongi*. That possibility, however, would bring the question whether the Reformers made or intended a periodical redistribution no nearer to its solution. Considering that the first allotment was completed only in 652, while it must have been commenced in 646, the length of time and the trouble of the undertaking may possibly have induced them to think that the initial distribution would hold good until a second one should be made, the time of whose occurrence was probably left undecided. It is altogether probable that the establishment of some sort of periodical re-allotment was thought of; at least the existence in China of the institution must have been well known. The Code of 701 will not enlighten us on this point, for although the interval from one allotment to another is therein fixed as six years, it brings with it some vexing problems, both textual and institutional, which need not be discussed here. Let it suffice to say that it is unsafe to argue back from the Code to the Reform on this point. One thing we might infer, however, with some degree of confidence, namely, that an annual allotment such as was conceived by the people of T'ang does not seem to have been well thought of in Japan either in 645, in 701, or in the intervening period.

Returning from the question of a re-allotment to that of the original allotment, the *Nihongi* is explicit in saying that it was to be equal (均) and that it knew no distinction of persons. If there were a redistribution, the same principles would have been applied to it also. But what was the equal lot? It will be observed that the *Nihongi* is altogether silent on this question, and nowhere do we meet a reference to its size,

until we reach the Code of 701, which, for normal cases, prescribes 2 *tan* for every male, and  $4/3$  *tan* for every female, over five years of age.<sup>1</sup> We are aware of no reason either why we might not take these precise numbers to have obtained also in 646, or, on the other hand, how the original lots of the latter year could have been much larger or smaller than they. If the cultivated land was extended during the half-century, population too must have increased, though not necessarily at the same rate. There is nothing recorded during the intervening period which makes us infer that either one of the two factors greatly outgrew the other.

It may be questioned how it was that we assumed that in 646-652 the land was equally assigned to individual persons. Was it not just as possibly distributed among individual houses? Did not the new law of taxation frequently refer to the house as a taxable unit?<sup>2</sup> To these we answer that there were two kinds of the taxes called *chō*, those levied from the house and those from the land,<sup>3</sup> and that the latter fell on the males alone.<sup>4</sup> From this the inference is direct, not that females received no land, but that the allotment was personal. To support this conclusion, it may be pointed out that the same principle holds both in the Chinese model and in the Code of 701. If we assume that land was given to the families, and not to the persons, we must also assume that the Reformers modified or miscopied the Chinese institution, until it was again changed and restored to the original shape in 701, and this very change would have meant a profound social reformation.

Then there is another problem in connection with the equal

<sup>1</sup> R. IX-3. There are exceptions to this rule.

<sup>2</sup> K.T. I. 433.

<sup>3</sup> Ibid. 田之調 and 戸別之調.

<sup>4</sup> K.T. I. 443, line 5.

allotment. What was meant by the Imperial order to the governors that in the distribution of land among people no distinction should be made of persons<sup>1</sup>? More precisely, who were the people among whom land was to be equally divided? We may find the clue in the word "people" (*tami*, 民). Both in China and in the Reformed Japan, the whole nation was divided into two distinct layers: the officers (官), who ruled and were fed, and the people (民), who fed and were ruled. The fundamental distinction ran through the entire structure of the T'ang Empire, and was completely transplanted into Japan by the Reformers. Now, the people were in China either peasants, artisans or merchants, but both there and in Japan by far the largest portion of the people consisted of peasants. We presume, therefore, it was among the peasants that land was equally divided. As to the officers, it is uncertain, as we have already said,<sup>2</sup> whether their emoluments in land, which were already a great institution in 701, were created as early as the years of the Reform.

There still remains another important class of people of whose holdings of land a series of difficult questions might be asked. We refer to those great men who either justly or unjustly had come to control groups of people and possess large tracts of land. Were their lands also "received" and re-granted in equal lots? We shall, however, leave them alone for the present, and take them up again when we come to discuss the old institutions that survived the Reform.

Having now, though insufficiently, disposed of the examination, reception and allotment of land, we may go a step further and consider what was meant by "land." Technically speaking, land in general is represented by the character 地 (*chi*), which also means earth in contrast to heaven. The

<sup>1</sup> 勿生彼我. K F. I. 443, line 4.

<sup>2</sup> See page 272 above.

land which was allotted was 田 *den, ta*,<sup>1</sup> which is accurately translated by Mr. Aston as rice-land. This at once suggests the question as to what was done with the other kinds of land, and particularly house-lots, mulberry grounds, and lands for various vegetables other than rice. They were regulated by the Code of 701, which provided that the farmland (園地) should be equally divided within each locality, on which fixed numbers of certain trees should be planted, and in which probably the house-lot (宅地) was included.<sup>2</sup> During the years of the Reform, however, there are only two phrases, one of which is doubtful, that would seem to indicate at least the existence of an allotment of land other than rice-land. One of them is found in the Decree, which, in enumerating the duties of the elder of the Li, or, group of fifty house, say that he, among other things, should encourage "husbandry and cultivation of mulberry trees" (農桑).<sup>3</sup> To be sure, silk industry had long since been introduced into Japan from China, and, judging from the fact that silk from this time on grew in importance as taxes, its production must have been successfully encouraged by the government. But at the same time it should be remembered that 農桑 (*nô-sô*) was a very common phrase in Chinese literature, which abounds in phrases similarly composed by two characters of like import to each other, in order to convey a general notion by their combined force, so that the reiteration of this particular phrase in another country may have meant at times little more than agriculture in general.<sup>4</sup> Even if we should take the phrase literally, it in no way implies an allotment of mulberry-land. The other phrase is found in the following sentence:— "The

<sup>1</sup> The phrase 營田 appears in KT. I. 442, line 2.

<sup>2</sup> R. IX. 15-16

<sup>3</sup> KT, I. 432, line 9.

<sup>4</sup> Imagine the absurdity of translating literally such phrases as "high and dry" and „hip and thigh."

tributes of the market-officers, guardians of the roads, and ferrymen, shall be discontinued, and land (田地) shall be granted to them."<sup>1</sup> 田地 (*den-chi*) is another colloquialism which we know not how to render; ordinarily 田 (*den*) is rice-land and 地 (*chi*) land in general, but their combination may mean either one or both. From such inadequate evidences, the question as to how the house-lots and farm-lands were disposed of by the Reformers must be said to lie far from a solution. If they were allowed to remain as they had been, as we may not unreasonably suppose, and if it was the rice-land only which was equally assigned to the people, then it may be said that there was left alone an important ground for development which might for good or ill amply offset the work of equalization and all hopes built upon it.

If it may be said that no one can be sure that there was after all a great inequality among the people in their holdings of land other than rice-field, then what shall we say about the waste land, portions of which might by energetic persons be from time to time converted to cultivation? Certainly the student shall not fail to remember the great importance of waste land in a community where an equal allotment of land is in practice. A research into the Japanese institutional history between the ninth and twelfth century will clearly show that waste-land was one of the mightiest forces which overthrew the system of equal allotment and brought about the formation of large private estates.

The eastern governors were commanded in 645, among other things, to share in common with the people the profits arising from the gardens and ponds, the water and land

<sup>1</sup> KT. I, 442, lines 1-2. I see no justification for Aston's translation, who has "to" instead of "of." See Aston, II, 223.



(蘭池水陸).<sup>1</sup> This simple rule, probably copied from China, became, in its modified form, "The profits arising from the hills and rivers, the jungles and marshes, shall be shared in common by the government and the people."<sup>2</sup>—a canon which was never to be forgotten. The Code of 701 repeated it<sup>3</sup>, and subsequent decrees often referred to it long after it had ceased to be universally real. The maxim, however, does not cover the entire policy of the Reformers concerning the waste-land, for they had another great object in view. In consistence with the traditional Chinese doctrine, which they copied, that agriculture was the life of the State, as well as the main source of its financial support, the statesmen of 645-6 initiated the policy of encouraging the cultivation of arable land. It was ordered in 646 that the places in the various *Kuni*, where embankments were to be constructed, or canals dug, and the extent of land to be brought under cultivation, should be equally provided for and worked.<sup>4</sup> The language is obscure, but it apparently implies some measure of extending cultivation. Thus we see that in regard to the great problem of uncultivated land the Reformers acted on two important principles, that is to say, the cultivation of the arable lands and the common interest in the profits of other uncultivated lands. As to the momentous question who was to own the newly cultivated lands, the *Nihongi* is altogether silent about it. Did they belong to the cultivator, or to the government? This is perhaps a case of omission on the part of the *Nihongi*, and not of the Reformers, for from the nature of the matter it was not a thing to be left unsettled.

Let us turn to the Code and see if we can infer from

<sup>1</sup> KT. I. 428, line 2. 蘭池水陸之利與百姓俱.

<sup>2</sup> 山川陂澤之利公私共之.

<sup>3</sup> R. XXX-9.

<sup>4</sup> KT. I. 443, lines 6-7. Aston, II. 225-6, with alterations.

it the probable settlement of the question made by the Reformers. If any person, it says, wish to cultivate a public or private rice-land that has been left fallow for more than three years, he shall be allowed to do so for a term of years,<sup>1</sup> at the end of which, if it is a public land, it shall be added to his proper allotment, in case the latter was short of the normal extent, but this shall not be done with a private land, which shall be returned to its original possessor after the term is over.<sup>2</sup> Here are two important points involved. In the first place, the provision applies to a neglected rice-land, and not to a land just ploughed out of a jungle or a marsh. In the second place, the cultivator is in no case sure of a permanent possession of the fruit of his labor. The close connection which the first consideration apparently has with the second would seem to make this evidence imperfect for our purpose.

In another part of the Code, it is said that a mountain or a valley which yields unusual treasures, unusual timber, gold, silver, gems, and other costly articles, which may be of value to the State, shall be reported to the central government; but if there be any place that produces copper or iron, which has not hitherto been taken into the hands of the government, it may be privately exploited by the people, and the metals may be accepted as substitutes for the public dues other than the rice-tax.<sup>3</sup> The student cannot be sure that this at all implies that the mines shall be owned by right of prescription by the persons who first seized and worked them. On the contrary, it is possible that they may have been open to all the people who might use them. A

<sup>1</sup> The glossators of 718 fixed the term at three years for private, and six years for public, land.

<sup>2</sup> R. IX-29.

<sup>3</sup> R. XXX-10 & 9.

contrary interpretation will find little support in the clause that immediately follows the citation, which repeats the canon that the profits of the hills and rivers, the jungles and marshes, shall be shared in common by the government and the people. At any rate, the entire evidence suffers from the consideration that it concerns the mines and not arable land.

Let us take another statement in the Code. The local officer is forbidden to engross lands to the detriment of the people,<sup>1</sup> but, in regard to a waste land (空閑地), he may cultivate it, and return it to the government when his term is over.<sup>2</sup> This evidence hardly rises higher than our first citation from the Code. But the commentators of 833 have added to it the following significant sentence: If the local officer is a resident of the place, or if such land is cultivated by the common people, it shall be permanently held as a private land. It is conceivable how the work of cultivation had passed into the hands of the people, because the officer would not personally undertake it. If we rightly understand the wording of the comment, we must think that such new land as was cultivated by a local officer is to remain in his private possession, but if he is to be removed elsewhere at the end of his term of office, the land will fall into the hands of the cultivators. That is to say, it will in either case not again revert to the government. Hence the comment clearly contradicts a portion of the original Code, and the difference must have been caused by the experience gained between 701 and 833, during which period the tendency was steadily toward private occupation by the powerful persons of all possible forms of wealth that in any degree allowed it.

So far our study of the Code has not convinced us that even in 701 the newly cultivated land was in a permanent

<sup>1</sup> R. XXX-36.

<sup>2</sup> R. IX-29.

possession of the cultivator. Finally, let us take another passage which would seem at least to bring such institution within the range of possibility. Among the merits of the local officer for which he will receive promotion is counted a successful encouragement of agriculture and increase of cultivation, and the glossators of 718 take the latter clause to mean an extension of tilling outside of the lands already under cultivation.<sup>1</sup> We see no reason to think that this is an incorrect interpretation of the language of the Code. Now where could newly opened land have gone but to the person who broke the soil? We do not know whether he held it permanently or for a term of years, but, at least, one occasion for the latter arrangement, which was thought necessary in case of the cultivation of another form of land, is here absent. The land before us is not a neglected one belonging to another person or to the government, but is one now for the first time turned into culture by human hand. It either may or may not have been, in theory, subject to periodical allotment, but we should emphasize that, from the circumstance that the cultivation of a neglected land entitled the cultivator to the enjoyment of the property only for a short term, it does not necessary follow that a newly cultivated land must also have been so treated.

Meagre as is our inference, we have nevertheless gained a few points of great importance, for the net result of our discussion seems to be that fresh cultivation was encouraged both in 645-6 and in 701, and that the new land seems to have been held in severalty, permanently in 833, and either permanently or for a term in 701, by the cultivator. We can certainly say no more for the years of the Reform than we can for that of the Code, but how much less can we say? It will be remembered that the existing accounts of 645-6 would not

<sup>1</sup> R, XIV-54.

justify the conclusion that the newly cultivated land was, either permanently or temporarily, held in possession by the cultivator. In 701, it was, as we have inferred. It seems to us, however, that the deficiency of textual evidence for the former period may be almost entirely made good by a logical reasoning, for if the new land was not held in severalty by the cultivator, what other tenures could there have existed? Either the people of the community or the government must have held it. If the latter, what could have been the possible modes of keeping it under cultivation, but to trust it to the community as a whole or to a family or an individual for a term of years. Thus we have the following three alternatives: common holding, common cultivation, and temporary individual cultivation. The first would, besides being fraught with all the difficulties of the theory of communal ownership, mean a radical departure from the principle, which was in operation with all other cultivated lands, and which knew no communal ownership. The second would seriously interfere with certain forms of taxes which had as the fiscal unit the male with his landholding. It is unlikely that the government would have tolerated a matter so seriously affecting its finance. The third alternative would be little different in reality from a temporary individual possession. So it appears that we can say no more, not much less, for 645-6, than we can for 701.

#### (7). Taxation.

We are not aware that a cogent explanation has been offered by any historian of the true significance of the Chinese system of land-allotment. We venture to suppose that while one motive was to prevent the engrossing of land by the powerful, another and perhaps more important one may have been financial. Probably it was thought that, agriculture

being the mainstay of the national life, the revenue would be derived more from the conditions based on an equality of land-holding than those resulting from its inequality. We saw in the last chapter how repeatedly this purpose was frustrated, and how even T'ang was soon compelled to have recourse to another system of taxation. At least there can be little doubt that the Chinese policy of land and that of taxation were closely related with each other, so that a change in the one was inevitably followed by an alteration in the other: And in this process the conditions of land will always be found lying at the foundation of those of taxation. The entire State-system of China being so unequivocally based on this cardinal relation, it is not strange that its imitators in Japan, even if they did not analyze its historical significance, accepted, by the very act of copying the system, the philosophy on which it was based, as we have in part suggested in this paragraph.

Indeed the more one studies the history subsequent to the Reform, the more he is impressed by the thoroughness with which the whole machinery of the State was built on the system of taxation. As that machinery gradually slackened, taxation was gradually increased in variety and quantity, as if it were its only lubricator, until by the first of the tenth century it seems to have become an enormously huge and complex apparatus that ground on the peasant population in all the different aspects of its life. Such a result could not have been foreseen by the Reformers, but the State-system which they initiated must be held in a large measure responsible for it. It is for this reason that in this important section of our chapter we shall in every possible case endeavor to look far ahead in history in order to see to what pass the laws of 645 finally came. This method should in various ways help our understanding, not only of the principles of the Reform and their significance, of which its advocates may have been half



unconscious, but sometimes even the conscious intentions of the Reformers.

Attention shall again be called to the principle that originated in China and was systematically carried out in Japan, which taught that the nation consisted of two distinct classes of persons: the officers (官), who ruled and were supported, and the people (民), who supported and were ruled. Thus an immunity from taxation (不課) was enjoyed, according to the Code of 701 and its commentary of 718, by the Imperial princes, all men above the eighth rank,<sup>1</sup> and the sons of those of a few higher ranks.<sup>2</sup> This included all the important officers of the central and local government,<sup>3</sup> as well as many persons who bore ranks but no official responsibility attached to them. Although the *Nihongi* is silent about it, the general principle must have been adhered to by the Reformers of 645, and the higher officers of their new government must have been exempt from the taxes, unless the former had deliberately set aside the principle as they found it in Chinese law.

Turning now to the new taxes established during the Reform, we find that they fall into three classes of the familiar *so*, *chô* and *yô*, corresponding to the Chinese 'tsu,' 't'iao' and 'yung.' They, not in their principles, but in substances, may be said to be similar to the older *ta-chikara*, *mitsugi* and *etachi*, which we discussed in our first chapter,<sup>4</sup> so that the introduction of the Chinese system of taxation could not on its surface have had the appearance of an abrupt change. The Decree of 646 ordered that for each 'tan' of rice-land the *so*

<sup>1</sup> There were, speaking briefly, nine ranks, each divided into two subranks.

<sup>2</sup> R. VIII-5. Cf. Y. XXVI-2, where it is plain that the rank-land and office-land, after they were once given, were immune from taxation.

<sup>3</sup> For the rank of each particular officer, see R. I.

<sup>4</sup> See pp. 86-95 above.

(租) shall be two sheaves (束) and two bundles (把),<sup>1</sup> or, twenty-two sheaves for each 'chô,'<sup>2</sup> there being ten bundles in a sheaf.<sup>3</sup> As to the chô (調),<sup>4</sup> it was divided into two classes: that of rice-land (田之調) and that of the household (戸別之調). The former consisted, according to the produce of the locality, either of about ten feet by two and half of fine silks,<sup>5</sup> twenty feet of coarse silks,<sup>5</sup> forty feet of grass-cloths,<sup>5</sup> or certain quantities of raw silk or cotton.<sup>5</sup> In a later order, the males alone were declared to be amenable to this kind of 'chô,' and hence the land-'chô' was really personal.<sup>6</sup> The house-'chô,' on the other hand, consisted of twelve feet of grass-cloth. As to the forced labor, every fifty houses should furnish one laborer and his rations, and each house should contribute the *yô* (庸), in lieu of service, of twelve feet of cloth and five 'to' of rice, the latter being equivalent to fifty sheaves. Likewise, as waiting-women in the Palace, the Kôri-Governors' sisters or daughters might be called upon for the service, and each one hundred houses should provide rations for one waiting-woman, the house-'yô' in this case being the same as with the forced labor.<sup>7</sup>

<sup>1</sup> "Such as can be grasped in the hand." (Aston, II, 208.)

<sup>2</sup> The chô (町) of land-extent shall be distinguished from the chô-tax (調). For the former, see p. 284, note 1.

<sup>3</sup> KT. I, 432, line 10. The position of the sentence that follows may be disputed on more than one ground.

<sup>4</sup> Aston's rendering, "commuted taxes," is highly unjustifiable.

<sup>5</sup> These are, respectively, 絹 (*katori*), 紬 (*futo-kinu*), 布 (*nuno*), and 絲 (*ito*) and 綿 (*wata*). The author is far from being positive as to the rendering of the several articles.

The translation of the passage varies from that of Aston (II, 208). He, moreover, radically differs from me in assuming that (1) the entire chô was a commutation of *so* into textiles, and that (2) the conjunction "and" is meant, instead of "or." I think that both are not only unwarranted but also uncritical and erroneous. See Aston II, 208.

<sup>6</sup> KT. I, 443, line 5.

<sup>7</sup> The language is obscure. For the whole passage, see KT. I, 432-3. Aston, II, 208-9.

The above is the substance of the three taxes which we can gather from the language of the *Nihongi*. There were, however, three other items of taxation. (1) The first of these was horses for the public uses: every hundred houses contributed one horse of medium quality, or every two hundred houses furnished one of superior quality. The commutation for this form of taxation was twelve feet of cloth from each house. (2) As regards arms, each person contributed sword, armor, bow and arrows, flag and drum.<sup>1</sup> (3) The salted articles of food,<sup>2</sup> and other extra items of the *chō*, should like the land-*chō*, be determined by the produce of the locality.<sup>3</sup> It will be remembered that some of the last named tributes originated, under the name *mitsugi*, in the pre-Reform period, and it will presently be seen that they remained ever persistent, and, what is more, steadily increasing.

As the *Nihongi* names no other forms of taxation, we may now attempt an analysis of what has been described. Apparently we have here three different units for the different classes of taxes: land for the *so* and the land-*chō*; house for all other kind of *chō*, the *yō*, and the horses; and person for the weapons. Considering, however, that the system of land-allotment was based on persons, the three units may ultimately be reduced into two, house and person. That is to say, the *so*, the land-*chō*, and the weapons were levied from the persons, and the *yō* and the rest of the *chō*, from the houses. It will be seen, furthermore, that the former were essentially new taxes, for, although the ancient *ta-chikara* may be made to corre-

<sup>1</sup> It is impossible to tell whether the singular or the plural number of these weapons is meant.

<sup>2</sup> A white pheasant was caught in 649 by a *Kuni-Miyatsuko* of Anato, whose name was Nihe. "Nihe" meant boiled food-article. It is possible that he customarily presented food-articles to the Emperor, and hence his name and his catching of the pheasant. See KT. I. 450, line 1.

<sup>3</sup> For the passage, see KT. I. 433, lines 3-4. Aston, II. 209.

spond to the *so*, it had never been levied universally on every male, as were the *so* and the land-*chô*, while the dues in form of arms had never been known before. These new taxes rested on an altogether new conception of the State, that the latter could of right call upon every citizen directly to serve and support it. On the other hand, the notion of regarding the house as a taxable unit had been long familiar in Japan, and it is no cause of wonder that it still lingered with those forms of taxes that, except probably the horses, closely resembled and now coincided with the older tributes and forced labor. This consideration gains in its significance as we remember that in China nearly all the taxes of T'ang were personal. It is interesting that in Japan the future tendency was toward the same direction, making the *yô* and all the *chô* personal. Still the house-unit lingered, the best example of its application being the house-salary of the nobility. Hence the importance of the question as to how large a house should be considered to be. The final definition was that it should contain five full-aged males and one boy of minority, with a corresponding number of females and infants.<sup>1</sup>

This change of the taxable unit of the dues which were once levied from houses may have been owing partly to a fuller understanding and application of the Chinese law, and perhaps partly to their great increase in variety and amount, that took place after the Reform. The Code of 701, after the Chinese manner, classifies the people according to their age and physical conditions,<sup>2</sup> so that the incidence of taxation would fall more equitably on person capable of productive labor. The labor-tax also was divided into several kinds, with a detailed provision for each.<sup>3</sup> One kind of forced labor,

<sup>1</sup> 747 A.D. Z. XVII. (m5 d3.)

<sup>2</sup> R. VIII. 8.

<sup>3</sup> R. X. 4-5, 19-34, 37-39.

-- that for public work, -- fell on every male above twenty-one years of age who lived outside of the Inner Country. He served for ten days during the year, or paid 2.6 feet of cloth per day in lieu of the service, and if he was to labor beyond this limit his other taxes were remitted according to the amount of his additional service, while in no case the total amount should exceed forty days.<sup>1</sup> As to the *chō* of the Code, it consisted of silks, cloths, iron-ore and spades, salt, fish and other sea-products, or other articles, according to the produce of the locality. There is no longer the distinction between the land-*chō* and the house-*chō*, for all the *chō* were now levied on able-bodied males and not on houses.<sup>2</sup> The issues of the *chō* and the *ryō*, or, commuted labor-tax, were annually sent from all the Kuni at the same time, and transported to the central government, where they arrived at different times during the year, according to the distance over which they were carried.<sup>3</sup> The carriers were employed from among the payers themselves, and their overseers were the higher officers of the *Kuni* and the *Kōri*.<sup>4</sup> This burden of conveyance which weighed heavily on the people and the responsible officers, and the abuses that arose from it, caused a great many edicts and decrees to be issued after the eighth century.<sup>5</sup> The *so*, or, rice-tax, was retained in the *Kōri* and *Kuni*, where it was stored in granaries, and only a portion was sent up to the Capital.<sup>6</sup>

The entire institution of the *so*, however, needs a special treatment, for the important reasons that it supplied nearly all the resources for the expenditures of the local government; that it was, soon after it came into existence, connected

<sup>1</sup> R. X, 4.

<sup>2</sup> R. X-1.

<sup>3</sup> R. X-3.

<sup>4</sup> Cp. R. X-3, and Y. XIII (KT. XXII, 696).

<sup>5</sup> See e.g., S. VIII-ii (KT. XII. 6) 6-714) and the three *Kōtai Shiki* (交代式) (KT. XIII, 1-84).

<sup>6</sup> R. X-2. For granaries, see R. XXII.

with the ancient custom of loaning rice, which brought with it a train of economic consequences; that its peculiar management and classification fomented several grave abuses on the part of the local officers; and, perhaps most important of all, that, by virtue of the combined action of all the political and social forces which were gradually developed under the new State-system, the *so*, which once occupied the central position in the whole system of taxation, by degrees dwindled almost to nothing. It is beyond the scope of the present chapter to explain the last result, and the others just mentioned are too momentous to be more than cursorily discussed here.

The custom of loaning rice from the government or the great men to the people seems to have antedated the Reform, and the policy of the Reformers may have been to discontinue the evils which would naturally attend this sort of public loan in kind.<sup>1</sup> Yet the idea was not only resuscitated before 701, under the name *suiko* (出舉), but was since that date more widely applied, as time went on, to the issues of the *so*, until it came to cover by 926 nearly all of the latter.<sup>2</sup> The Code fixed the rate of interest at 50%<sup>3</sup> per annum,<sup>3</sup> and it remained at the point although frequent attempts were made to reduce it to 30%.<sup>4</sup> During the few years after 701, unless we assume that the local officers skillfully manipulated the items of their accounts, the scheme of letting rice and collecting both the principal and the interest at the harvest-time seems to have been on the whole successfully carried

<sup>1</sup> See KT, I, 438, line 3.

<sup>2</sup> Compare the decree of 734 (Z. XI, y Tempîô 6 m1) with laws of 927(KT, XIII, 779-788).

<sup>3</sup> R. XXX-20. Also 711 (Z. V, y Wadô 4 m 11).

<sup>4</sup> 720(Z. IX, y Yôrô 4 m 3), 754(Z. XIX, y Tempîô-Shôhû 6 m 9), 795 (S. VIII-v-3), and 810(ibid.).



out.<sup>1</sup> But from about 735 on, the number of the "dead" persons and unpaid loans threatened to increase steadily,<sup>2</sup> so that the collected interest and principal, if they were really collected, fell often short of the original amount loaned. Oppression and abuse followed as of necessity,<sup>3</sup> which alternated with the orders from the central government granting temporary remissions of the interest.<sup>4</sup> Such a result might have been expected at the beginning, for the original intention of the loan was to serve the impossible double purpose of helping the poor<sup>5</sup> and increasing the revenue. Besides the operation of the ordinary economic law, however, there were other important circumstances that accelerated the inevitable tendency. Of these the most important was the private loans existing side by side with the government loans, which were lent to the poor by the powerful, whose number and fortune were, owing to complex causes, on the gradual increase after the eighth century. In spite of laws prescribing the limits of their exaction,<sup>6</sup> they often cleverly evaded or openly violated them, and not only charged exorbitant rates, but also in various ways levied compound interests.<sup>7</sup> As for the poor peasants, they were, as may be imagined, easily decoyed by the alluring appearance of the loan, but not infrequently ended in being evicted and outlawed.<sup>8</sup> "The father and the child are separated," says an exaggerated Imperial decree, "and the husband and

<sup>1</sup> See DK. I, p. 390 (for 729), pp. 398 et seq., 416, 418 et seq. (for 703), 427, 428 et seq. (for 731), 451 et seq. (for 733), and 613 (for 734).

<sup>2</sup> DK. II, pp. 16 (for 736), 43-4, 50 (for 737), and 71-2, 75, 88, & 120 (for 738).

<sup>3</sup> Edicts of 734 (S. VIII-v-16), 779 (-20), 795 (-3), 870 (-13), and 761 (Z. XXIII, m2).

<sup>4</sup> Cases are innumerable in the N. and the Z.

<sup>5</sup> See N. Temmu y 4 m 4.

<sup>6</sup> E. g., R. XXX. 19-20 : 711 (Z. VIII, y Wadô 4 m 11), 779 (S. XII-i-28). For money, 75%.

<sup>7</sup> Edicts of 779 (S. XII-i-28) and 819 (ibid.).

<sup>8</sup> 737 (S. VIII-v-17) and 751 (-19).

wife are severed.”<sup>1</sup> Agriculture was obstructed, and the yield of the taxes seriously interfered with.<sup>2</sup> Buddhistic monasteries, some of which had become immensely rich, took to a similar practice of oppression.<sup>3</sup> In 894, in the Kuni of Kii good lands had so completely passed into the hands of the great men and the revenue from the rice-loan had been so reduced, that a system of forced loan was now resorted to.<sup>4</sup>

It is not our purpose to explain how the great men and the monasteries came to engross so much land as to enable them to exercise such oppressive measures of extortion, but it belongs to us to see that a certain mechanism in the system of taxation induced some local officers to vie with them in this evil practice. The classification of the produce of the *so*, or, rice-tax, was differently made at different times, but it was in its final shape, which was reached about 800, as follows: the entire revenue in rice was divided into three parts, the first of which (called *seizei* 正税) was subdivided into (1) loanable rice, (2) unloanable rice to be reserved for emergency, and (3) rice which was to be sent to the Capital; the second class (*kuge*, 公餼), which, after supplying the deficiencies in other items, went toward the private income of the *Kuni*-governors;<sup>5</sup> finally the third class (雜稻) was used for miscellaneous local expenses, including those of repairs and religious services. All the classes, with their subdivisions, were subject to loan, except the last two kinds of the first class. The Code of 926 fixed the amount of each item for every *Kuni*,<sup>6</sup> from which it appears

<sup>1</sup> 737 (S. VIII-v-17).

<sup>2</sup> Edict of 895 (S. VIII-v-18).

<sup>3</sup> Edict of 783 (S. VIII-vii-21) &c.

<sup>4</sup> S. VIII-v-15.

<sup>5</sup> V. XXVI. (KT, XIII. 785-790.)

<sup>6</sup> KT. XIII. 778 ff.

that the first two classes were equal in amount to each other in nearly all cases, while in a few the second exceeded the first. Now it is this second class which claims our special attention. The object of setting this class apart by itself was evidently to guard against negligence and corruption and to encourage honesty and industry of the local officers in matters of taxation, for the amount of their private income directly depended on their successful collection and honest use of the *so*. The edicts addressed to them continually referred to the *kuge*, the second class, and appealed to their intimate interest in it. Granting the ingenuity of the arrangement, one will not fail to note what a strong incentive to abuses it was liable to be. So long as the personal share of the officers in the revenue of this class was elastic, so long as they at the same time had charge of all the three classes, and, what is more, so long as they were authorized to loan the rice of this class as well as nearly all of the other classes, it would have been untrue to their human nature not to attempt to appropriate the whole revenue of the second class, no matter whether there was a deficit or not, by manipulating the accounts of other items, and then to loan it to the people and collect it and its interest before any other loan. A resistance to such a course would have been almost foolish when from the later years of the ninth century the issue of the *so* was increasingly encroached upon by the powerful and immune class of people who by eviction and commendation gradually absorbed the greater part of the land and people of nearly every Kuni. The local governors were always overburdened with heavy responsibilities, and no one had compassion on them, while the central government worked them and oppressed them to the last degree, for it was influenced and managed by the very persons who were aggrandizing themselves in the country. Under these circumstances, it

is not strange that the governors endeavored to recoup themselves not only by abusing the system of rice-loan but even by cutting into the unloanable *so*.<sup>1</sup>

So far we have been discussing the general tendency of the three taxes, *so*, *cho* and *yo*, which were in their primitive forms established in 646. We shall now consider the actual rates of the taxes, in order to understand somewhat more clearly their relation to one another and to the life of the people. It would be impossible to calculate the rates for 646, for the two reasons that the taxable units were not the same with all the three taxes, and that the amount of land allotted to each person is unknown to us. We are in a somewhat better position after the date of the first Code. It appears that after 646 the rate of the *so* per ten *tan* seems to have vacillated between the two quantities, twenty-two and fifteen sheaves,<sup>2</sup> until in 926 the latter rate was definitively recognized.<sup>3</sup> In 718, however, it was twenty-two, and the glossators of 833 preserved the number.<sup>4</sup> How heavy an obligation either of the two quantities was will only be seen after knowing the crop from the *tan*. The latter is stated to have been, in 833, 50 sheaves,<sup>5</sup> which will make the rate of the *so* 4.4%. But nothing can be plainer than that the burden must have been felt very differently by different tax-payers according to the productivity of their lands. While the difference in the latter receives a full recognition in the Code of 926, which classifies all rice-lands into four grades yielding, respectively, 50, 40, 30 and 15 sheaves, it does not alter the uniform rate of *so*, which is 1.5.<sup>6</sup> It would seem almost inconceivable how the wide disparity between

<sup>1</sup> Edict of 891 (KT. XII. 719).

<sup>2</sup> 15 in 706 (Z. y Keiun 3 m 9) and 823 (S. : KT. XII. 815).

<sup>3</sup> Y. XXIV-19.

<sup>4</sup> R. IX-1.

<sup>5</sup> Ibid.

<sup>6</sup> Y. XXVI-19 (KT. XIII. 790.)

the highest and lowest limits, 10% and 3%, could have been treated with indifference for so long a time, for such a difference must have existed ever since 646. We must find a partial explanation, we think, in the supposition that the law was perhaps neither successfully carried out nor always reasonably expected to be. An edict of 862, complaining that the acreage of taxable lands had decreased in several Kuni by thousands and even tens of thousands of *tan*, says that every lost thirty or forty thousand *tan* would have yielded forty or fifty thousand sheaves of ricetax,<sup>1</sup> while we might have expected a higher estimate, if fifteen sheaves were actually levied from every ten *tan*. It would have been to the interest of the central government in no case to make an underestimation that might encourage the tardy collection which was at that time every year more prevalent. We also suppose that the law of the *so* may not have been as rigorously enforced as that of the other taxes, because it was only the latter that were entirely forwarded to the central government, while the former mainly supplied the local expenditure. As to the local officers, they may have been as often anxious to win the favor of the people, as to extort them.

Having now roughly determined the actual rate of the *so*, it would have been an important revelation, had we had sufficient data to compute the relative ratio of the rice-tax to the *chō* and *yō*. Unfortunately we miss a few words in the Code of 701 which would have definitely solved our problem. It is stated there that an additional forced labor of thirty days would exempt a person from the *so* and *chō*, and that a day's labor was equivalent to about 2.6 feet of cloth.<sup>2</sup> Hence the *yō* was one-third of the combined *so* and *chō*. Had we known

<sup>1</sup> S. XV-i-3. (KT. XII. 805.)

<sup>2</sup> R. X-4.

either the relative value of rice and cloth or the exact amount of the *chô*, we could have seen the proportion of the three taxes. In the list of the *chô* of the Code of 701 (and also of 926), the absence of conjunctions, which would at some places be conjunctive and at others disjunctive, makes it impossible for us to compute its precise sum. Passing from the Code to the remnant census-records, we find in two of them, one of which is dated Yamashiro, 726,<sup>1</sup> and the other is probably from Ôsumi, 735,<sup>2</sup> that in these two widely separated places the *chô* was uniformly about nine *mon* of iron-money per man. Here again we regret that we are not informed as to the value of the coin relative to other commodities.<sup>3</sup> It is only in an edict of 823 that we for the first time meet a clear statement of the rates. This document concerns a land-allotment about to be made in the island of Kiushu, in which the share of each adult male is, as usual, two *tan*, and the general estimates of revenue and expenditure are made on the basis of *so*, *chô* and *yô*, yielding, respectively, 15, 20 and 10 sheaves of rice per 10 *tan*.<sup>4</sup> This will make the ratio of the three taxes, 3:4:2. Their aggregate sum in sheaves of rice will be 45, which is, on the average, about 11% of the total crop, for the latter is stated as 40 sheaves per *tan*, except in Higo, where it was 46. We are not certain whether this was at that time approximately as true a rate elsewhere as in Kiushu.

The rate was, however, no longer true anywhere in the Empire a century later, 926, when the laws were codified. The change was brought by an enormous increase in the

<sup>1</sup> DK, I, 333-380.

<sup>2</sup> Ibid., 641-650.

<sup>3</sup> A document of an unknown date and place classed under 740 in DK. II. (273-280) is unintelligible, so far as its accounts of *yô* and *chô* are concerned. The data not only are too meagre but also seem in certain places irreconcilable with one another.

<sup>4</sup> S. XV-iii-2. (KT, XII, 814-818.)



*chô* and *yô*, while *so* had in its rate been stationary and in its produce greatly decreased. It is noteworthy that a system of requisition had now grown up, for the Code not only increased and fixed the *chô* and *yô* of individual male citizens,<sup>1</sup> but also defined the amount of these taxes to be presented from each Kuni, for which its officers were held responsible.<sup>2</sup> Another tremendous increase over the earlier imposition was made in that part of the *so* which was due from the *Kuni* to the central government. Quantities of rice and other things exchanged with it were demanded out of this issue, which were transported to the Capital under some eight different denominations.<sup>3</sup> The rules of conveyance and of the horse-post system became very complex and odious.<sup>4</sup> At the same time the income and outlay of each individual Kuni were minutely prescribed,<sup>5</sup> together with the formulæ and rules for various local records and reports which were now exceedingly numerous.<sup>6</sup>

Nothing could be a more frank confession of the failure of the system of taxation initiated by the Reformers of 645 than the progressive absorption of land and men into the hands of the immune class of people, which went on with increasing pace during the centuries that followed the Reform. This process of evolution can, however, never be explained without a careful analysis of the complex political, social and economic forces which were at work in all parts of the Empire ever since the new State system was superimposed upon the people. Such an analysis would be entirely beyond the scope of this section. We have been simply

<sup>1</sup> Y. XXIV. (KT. XIII. 727-731.)

<sup>2</sup> Y. XXIV. (Ibid. 732-756.)

<sup>3</sup> Y. XXIII. (Ibid. 714-726.)

<sup>4</sup> See KT. XIII. 695-8, 802-7.

<sup>5</sup> Y. XXVI. (KT. XIII. 777-788.)

<sup>6</sup> See KT. XIII. 702, 726, 757, 758, 760-778, 807-833.

describing how the grand social transformation found its expression in the system of taxation, on the one hand, in a steady decrease of the produce of the *so* as well as of the powers of the local government, and, on the other, in a tremendous increase in the impositions of the *yō* and *chō*. And we maintain that some of the germs of this result must be found in the very Chinese political doctrine which the Reformers perhaps unconsciously accepted by transcribing the institutions built upon it. The State was organized on two distinct layers of the people, the vocation of one of which was to rule over the other and in return be supported by it. The people were not to trouble themselves in attempting to know the affairs of the nation, for they were to be guided by professional rulers, in whom they were charged to rest an implicit confidence, and whom they were bound to sustain. The central government was to be exalted, the officers were to conduct themselves in accordance with a rigidly defined set of rules, and the people were to be peaceful and silent. With this end in view, equal shares of land were allotted to the people, and upon this last foundation the entire system of taxation was constructed. It has been our attempt to show how this system gradually removed from its original position.

We shall conclude this section by referring to the institution of the remission of taxes, to which the Emperor had frequent recourse. As early as 650, he is recorded to have remitted the people of Anato from the *chō* and *yō* for a period of three years, in reward for the white pheasant presented by them,<sup>1</sup> which was considered to be a sign of a good, prosperous reign. The last pages of the Nihongi and the entire volumes of the other five histories abound with the cases of remission, some of which were from superstition,

<sup>1</sup> K. F. I. 452, line 5.

but by far the most numerous and important were caused by droughts, floods, locusts, and other natural calamities, which, as we may readily see, must always have been a severe blow to the system of taxation based on agriculture.

#### (8) Military Organization.

The State being, in the eye of the Reform, no longer identical with the Emperor, and the quasi-tribal organization being no longer its foundation, the military institutions, like taxation, entered a new era from 645-6. The people were, according to the imported Chinese doctrine, taken care of by the State, and the latter had in return the right of calling upon every capable citizen to support and defend its interests.

Although the accounts in the *Nihongi* of the new military organization of the Reform are as incomplete as those of land and taxation, they sufficiently prove that this broad principle was made the foundation of the entire construction. The pre-Reform Guards, which we inferred<sup>1</sup> to have been distinct from the prevalent clan and group warriors and which we presume to have been copied either from Korea or China, seem to have been preserved by the Reformers, for the thirty soldiers<sup>2</sup> who fought with the rebel Prince Furubito and another body<sup>3</sup> of them that surrounded the supposed traitor Soga appear to have been the Guards of the palace. Also, there were still garrisons in Tsukushi in the island of Kiushu,<sup>4</sup> which, because of its being situated in the direct line of communication with Korea and China, was always a

<sup>1</sup> See pp. 110 et seq. and 114, above.

<sup>2</sup> KT. I, 430 line 10.

<sup>3</sup> Ibid. 448, line 8.

<sup>4</sup> Soga-no-Musashi was appointed Governor-General of Tsukushi. KT. I, 449.

point of great strategic importance.<sup>1</sup> Turning to the frontiers in the opposite direction, it will be seen that, with a view to provide against the warlike tribes of the Emishi, a fort was constructed, by the forced labor of the people of the neighboring *Kuni*, in a northern part of the present Yechigo,<sup>2</sup> and that all the people residing near the Emishi were specially allowed to carry arms.<sup>3</sup>

Thus far we have described what was done in the three important places of the Empire: the Capital, the South and the North. In regard to the rest of the country, a general collection of arms was made, which were now deposited in the armories built anew in various *Kuni* and *Kôri*.<sup>4</sup> In the North, as we have said, weapons were returned to their owners after examination. Barriers were built in the Inner Country,<sup>5</sup> which were in later ages reproduced in several other parts of the country, particularly in the east.<sup>6</sup>

The above is in substance the sum of our information from the *Nihongi* concerning the military institutions of the Reform period. It will always be regretted that it fails in really the most important part of the problem, namely, the personnel of the army. It is not known of whom the guards, the southern and northern garrisons, and the soldiers of the *Kuni*, were composed. As a matter of reasoning, there could have existed only two alternatives in regard to this point. The soldiers must have been either mustered as formerly by the clans and groups, or recruited universally from among the people, whether by voluntary enlistment or by some scheme of appointment. We think that, except in the North where obedient Emishi appear to have been among the defenders

<sup>1</sup> Note the remarks of Kose, in KT. I. 453.

<sup>2</sup> KT. I. 446.      <sup>3</sup> Ibid. 428, line 10.

<sup>4</sup> KT. I. 428, 430, 433.      <sup>5</sup> Ibid. 432.

<sup>6</sup> See p. 111 above, and R. II. 71, XVII. 48 & 54. KT. I. 489-502.

of the frontiers,<sup>1</sup> the latter alternative seems by far the more likely. Although the law that one-fourth of the able-bodied male population of each *Kuni* should serve in the army was not promulgated until 689,<sup>2</sup> that fact would not disprove the existence of an earlier and less definite system of universal service. It is even probable that in such a system, if it existed, the old quasi-tribal institutions may have furnished a large part of the warriors and their leaders. Thus, among the generals of the northern and Korean expeditions of 658 and 662-3, the names of the old nobility abound.<sup>3</sup> During the civil war of 672, however, which was waged mainly around the Inner Country, it is evident that the local officers had at their disposal considerable military forces, while they were not in all cases great men of birth.<sup>4</sup> We are inclined to infer from this that already in 672 there had existed in the various *Kuni* garrisons with soldiers organized in some scheme other than that of the pre-Reform period and also under the control of the governors. There may have been a gradual development in the system between 645 and 672, but it is hard to conceive that a sudden transition from one system to another could have been made during the interval.

Of the Emperors that followed Kôtoku, Tenchi (died 671), who was once the Reform Prince, and Temmu (673-689), who owed his throne to a successful rebellion, were, as might be expected, particularly active in improving the military institutions established during the Reform. A central war department was organized in 675; the Inner Country was strengthened; forts and castles were built near the Capital, in the western parts of the Main Island, and in Kiusshu; troops

<sup>1</sup> N. Seimu y 4 m 4.

<sup>2</sup> N. Jitô y 3 m 8. The Code of 701 made the rate one third. See R. XVII. 3.

<sup>3</sup> N. Saimei y 4 m 4, and Tenchi y 1-2.

<sup>4</sup> KT. I. 489-502.

were reviewed in 665 and 685; and all the *Kuni* were ordered to complete the collection of arms and to study tactics.<sup>1</sup> As has been said, it was in 689 that one-fourth of all the able-bodied adult men in the various *Kuni* were placed under obligation to serve in the army. The Code of 701 extended the service from this ratio to one-third,<sup>2</sup> besides completing the entire military system in many of its details. The selected young men were partly sent up to the Capital as Guards, where they served for one year,<sup>3</sup> together with the sons of the *Kōri*-Governors and central officers of lower ranks;<sup>4</sup> partly to the frontiers, where they often dwelt with their families and tilled lands between the hours of their service,<sup>5</sup> which extended for three years;<sup>6</sup> and the rest were distributed in the local garrisons called *gundan* (軍團) after the Chinese term. The organization of the *gundan* also was modelled after the Chinese system.<sup>7</sup> The mobilization of more than twenty soldiers required a special Imperial order.<sup>8</sup> The soldiers furnished their own arms<sup>9</sup> and were exempt from forced labor.<sup>10</sup> The North and the South were particularly well guarded by means of the garrisons which were placed under the control, respectively, of the *Chinji-fu* (鎮守府) and the *Dazai-fu*. (太宰府)<sup>11</sup>

### (9) The Old Institutions.

Having discussed nearly all the important institutions that dated from the Reform, it is now time for us to consider if any

<sup>1</sup> See N. Tenchi and Temmu.

<sup>2</sup> R. XVII. 3.

<sup>3</sup> Ibid. 8.

<sup>4</sup> Ibid. 38 & 47.

<sup>5</sup> Ibid. 62, 65, 55, 56.

<sup>6</sup> Ibid. 8.

<sup>7</sup> Ibid. II. 80; XVII. 1 & 2; 5, 10, 13. For the organization during the time of war, see R. XVII. 17-18; 24-27; &c.

<sup>8</sup> Ibid. XVII. 17.

<sup>9</sup> Ibid. 6-7.

<sup>10</sup> Ibid. X. 19.

<sup>11</sup> Ibid. II. 71.



of the older institutions survived it. Of these the most important was, of course, the nobility of birth, including the *Miyatsuko* of the *Tomo* and the *Kuni*, who had assumed extensive superiority over the land and people of the Empire. It is an interesting, as well as difficult, question how much of their authority was superseded by the new organization of the State. We venture to think that the labors of the historians have not sufficiently sifted the confusion of thought which would naturally arise from a careless reading of the accounts of the *Nihongi*. Our own analysis of these accounts that we offer in the following paragraphs shall be thoroughly reconsidered by a more exhaustive reflection on the subject.

There is not the slightest doubt that during the earlier days of the Reform period members of the old nobility were constantly at Court in attendance on the Emperor. In the ceremony of his enthronement there were present "the officers, the *Omi*, the *Muraji*, the *Kuni-Miyatsuko*, the *Tomo-Miyatsuko*, and the one-hundred and eighty *Tomo*."<sup>1</sup> During the same year the officers and the *Tomo-Miyatsuko* were consulted on the general question of the treatment of the people,<sup>2</sup> and in 650 the Emperor graciously acknowledged the faithful service of "the ministers, the *Omi*, the *Muraji*, the *Tomo-Miyatsuko* and the *Kuni-Miyatsuko*."<sup>3</sup> Indeed the work of the Reform, in all its details, could not have been accomplished but for these very persons, who defended the Prince, assisted the Emperor, and furnished candidates for the new offices of the central and local government through which the policy of the Reform was carried into effect. The elaborate system of education and examination,<sup>4</sup> too, which saw its full establishment by the time of the first Code, was made to answer to a large extent the purpose of perpetuating

<sup>1</sup> KT, I, 425, line 12.

<sup>2</sup> 427, line 10.

<sup>3</sup> 452, line 1.

<sup>4</sup> R, XI., XII., and XIV. Cf. P. 245 above.

the interests of the same nobility. True, the nobility of 701 was on its surface that of office and rank, while the old nobility was confessedly one of blood, but both were in reality made of much the same material. An examination of the names of the central and local officers of the centuries following the Reform will confirm our observation.

The question is not, therefore, so much one of persons as of principles, or, in other words, not so much who constituted the new nobility as how it institutionally differed from the old. In the first place, the nobles were deprived of some of the ancient privileges which surrounded their forefathers, and, in the second place, their relative positions to one another and to the people removed many paces from what they had been before the Reform. We shall now try to show that the former change was brought about during the years of the Reform, and that the latter was then intended but only partly accomplished. When all is said, it will be plainly seen that the changes in these two directions proceeded from one and the same principle and pointed toward one and the same result.

The passage we quoted on page 257 is the first of the series of Imperial orders that aimed at the destruction of the old powers of the nobility. It commanded that the new local officers should examine the territorial claims of the great men. This was closely followed by a decree that, while recognizing the primary judicial authority of the Tomo-Miyatsuko and "the elders,"<sup>1</sup> appeals should lie directly to the Emperor.<sup>2</sup> Another decree already quoted<sup>3</sup> reprimanded the great men for their engrossment of land and people, and forbade forcible eviction and letting. The Decree of the Reform went further as it abolished the various groups and *Miyake* established by former Emperors, as well as

<sup>1</sup> 尊長者、

<sup>2</sup> KT. I. 428-9 and 433-4.      <sup>3</sup> pp. 257-8 above.

private groups and estates.<sup>1</sup> Then all the *Mita* were likewise abolished and temporarily distributed among the ministers, probably as salaries in land.<sup>2</sup> The Heir Prince set a personal example by surrendering his own 180 *Miyake* and group-people amounting to 524,<sup>3</sup> and a little later all the existing groups were definitively ordered to be converted into public citizens of the State.<sup>4</sup>

No matter whether or not these orders were actually carried out, they expressed in clear language the intention of the Reformers to do away with the wonted superiority of the nobility over land and people. The fundamental principle of the Reformers cannot be better stated than in the Chinese phrase which is recorded in the *Nihongi* to have been reiterated by the Heir Prince in 646 as he surrendered his estates and groups to the State. "There are not," said he, "two suns in heaven, there are not two lords in the State, and therefore it is the Emperor alone who may possess all the land and employ all the people."<sup>5</sup> Henceforth the word *tomo-miyatsuko* may have still lingered in popular parlance, but the institution of the *tomo* was no more,<sup>6</sup> until it was for some unknown reason temporarily revived, probably in a diminutive scale, in 664,<sup>7</sup> to be again abolished eleven years later.<sup>8</sup>

It should not be thought, however, that with the Group (*tomo*) went the Clan (*uji*). There is no statement in the *Nihongi* during the years of the Reform that implies that the *uji* was in any way interfered with by the government. In

<sup>1</sup> KT. I. 431.

<sup>2</sup> Ibid. 438, lines 2-3.

<sup>3</sup> Ibid. 438.

<sup>4</sup> An earlier part of this command was quoted in page 257 above.

<sup>5</sup> KT. I. 438, line 9.

<sup>6</sup> The names of various *tomo*, however, lingered, but only as names. See the census-records contained in DK. I & II.

<sup>7</sup> KT. I. 476-7.

<sup>8</sup> Ibid. 507.

664 each *uji* had an officially recognized head,<sup>1</sup> and in 681-2 the same system was made more complete.<sup>2</sup> Since that time the institution of the clan-head (氏上) is found occasionally referred to,<sup>3</sup> up to the feudal ages, when, the social organization being based on a quasi-clan basis, the position of the *uji-no-chōja* (氏長者), elder of the clan, became again important. Between the Reform and the beginnings of the feudal formation, however, the clan does not seem to have been regarded as an organic political unit such as it had formerly been, but simply recognized as a social institution of great importance and tenacity which might best be preserved under such an organization as might place it under a ready control of the central government. That the Code of 701 does not specially treat of the clan and its head may be regarded as a proof that they were no longer political institutions. Furthermore the common people of the country were organized for administrative purposes, as we saw, not by kinship, but by the arbitrary units of five and fifty houses.

The persistency of the post-Reform clan is well illustrated by the numerous class of people who bore the *kabane* of *Kuni-Miyatsuko*. It will be remembered that during the Reform they performed a part of the business of the new local government in the places where the appointments of the governors were delayed, and that in other places they stood in close contact with the governors and at one time were charged to criticise their official conduct. Furthermore, it was the *Kuni-Miyatsuko* who during and after the Reform furnished candidates for the higher offices in the *Kōri* government, although in later ages this rule was not strictly adhered to.<sup>4</sup> In 702 the clans of these local noblemen were

<sup>1</sup> KT. I. 476-7.

<sup>2</sup> Ibid. 524 & 529.

<sup>3</sup> E. g., N. 676, 694; z. 702, &c. S. 757(XII-i-16), 855(VII-v), &c.

<sup>4</sup> See edicts of 742(Z. XIII.), 749(Z. XVII.), 752(Z. XVIII.), 757(Z. XX.), 811, 812, 822, 827, 893(S. VII-iii), and Y. XVIII-109.

registered.<sup>1</sup> That they still occupied an important position in their localities will be seen from the rule in the Code that they each should contribute a horse for the rite of purification in the *Kuni*.<sup>2</sup> They seem, however, to have steadily declined in influence after the middle of the eighth century.

We have perhaps proved that the Reform, while preserving their social position, deprived the great men of their ancient political prestige. It now remains to be seen that the intention of its advocates was to create out of the old material a new nobility of office, rank, and title, and that they succeeded in establishing a system of office and rank, but that of title was not completed until 684. An Imperial decree of 646, after deprecating the wide-spread admixture and endless ramification of the groups and clans, and ordering the abolition of all the groups, says: "Do ye all, from those of the Imperial line down to the ministers, officers, *Oni*, *Muraji*, *Tome-Miyatsuko*, and all persons of whatever *uji* (clan), who do us service, listen to what we say. We shall now abolish the former offices, and constitute afresh the hundred bureaus (官) and grant grades of rank (位), so that the form of your service shall be in order of office and rank (官位)."<sup>3</sup> It has already been shown that the rank was defined in 647-8, and the departments and offices, in 648. The intention of this reform evidently was to separate in principle birth on the one hand from the new system of office and rank on the other, so that the birth would no longer of itself insure its rank or office unless specially appointed to it. The Reformers, however, could not rest so long as the hierarchy based on birth was in a state of uncertainty and

<sup>1</sup> z.(KT. II. 22.)

<sup>2</sup> In 681, their contribution consisted of a male and a female slaves, who were then freed. See N.(KT.I.523.)

<sup>3</sup> KT.I.442, Aston, II. 225, with alterations.

confusion, from which various sorts of abuses had arisen. So in 647 the Emperor decreed, saying: "From the time our Imperial ancestor first ruled the land, there has been great concord in the Empire, and there has never been any factiousness. In recent times, however, the names, first of the gods and then of the Emperors, have in some cases been separated and converted into the *uji* of *Omi* or *Muraji*, or they have been separated and made the divisions of *Miyatsuko*. Consequently the minds of the people of the whole country take a strong partisan bias, and conceiving a deep sense of the me and thee, hold firmly each to their names. Moreover the feeble and incompetent *Omi*, *Muraji*, *Tomo-Miyatsuko* and *Kuni-Miyatsuko*, make of such names their family names; and so the names of gods and the names of sovereigns are applied to persons and places in an unauthorized manner, in accordance with the bent of their own feelings. Now, by using the names of gods and the names of sovereigns as bribes, they draw to themselves the slaves of others, and to bring dishonor upon pure names. The minds of the people are unsettled, and the government of the country is obstructed. It being now time for us, by divine authority, to bring peace and order, we shall, to make them understand and to order the State and to order the people, issue one after another a succession of edicts. But the people, who have always depended on our good government and are used to old customs, will certainly find it hard to wait until the edicts are made, and we shall therefore grant to all, from princes and ministers down to all the *kabane*, produce of the *yô* and *chô*." <sup>1</sup> Although this passage is difficult to understand, especially in its latter portion, because the edicts herein promised do not appear in the *Nihongi*, yet we suggest that the intention of the Emperor was something more than the establishment

<sup>1</sup> K.T.I.444. Aston, II. 226-7, with alterations.



of the systems of rank and office, which were made soon after this decree was issued. The ground of our suggestion is that rank and office alone could not have remedied the evils here described. However that may be, when the Reform Prince came to the throne, he appointed in 664, as we have seen, the heads of the various *uji*. In 634 was made what we are inclined to consider the final step in the same direction. In that year the Emperor Temmu "changed the hereditary *kabane* of eight kinds and thereby unified all the *kabane* in the Empire."<sup>1</sup> They were Mahito, Asomi, Sukune, Imiki, Michinoshi, Omi, Muraji, and Inaki. Observe what inferior positions the two highest titles in the older system now occupied. Many of the old *Omi* were granted Asomi, while old *Muraji* were now Sukune. The highest title, Mahito, seems to have been bestowed on nobles of the Imperial family. No one would be sure that some such arrangement of the *kabane* was intended in the difficult decree of 647 we quoted above. It is at any rate probable that by the regulation of office, rank and title, the old nobility was finally organized into an entirely new one, whose authority was intended to be based on service to the State and dignity of position, instead of superiority over private land and people to which the power of the State could hardly penetrate. Emoluments accompanied rank, and salaries attended office, while title could claim no reward. The fundamental principle of the policy of the Reformers in regard to nobility was, therefore, on the one hand to consider its members as subjects of the State, and on the other to utilize their social influence and convert them into that upper layer of the nation called the officers, that ruled over the people and was supported by it. For the former purpose, their ancient rights were revoked, and, for the latter, the systems of office, rank

<sup>1</sup> K.T. I. 533.(N. Temmu y13 m10).

and title were established. The Reformers of 645 conceived, except perhaps the system of titles, all these points of the new policy, and, moreover, carried them out.

## CONCLUSION.

We think the fact that the Reform was brought about by the institution of the Emperor, though not by his person, has been the decisive feature of the entire movement. It was that institution which rose from a degraded state and smote down its arch-enemy. As soon as this initial work was done, it set about solving two colossal problems, namely, how to insure its own supremacy for all time and how to reconstruct the State-system which must have become in many of its parts unworkable. Viewed from the Emperor's stand point, these two problems had an underlying unity, for it was the quasi-tribalism that had rendered the claims of the Emperor nugatory and brought the administration of the State almost to a standstill. By removing the clan institutions, the Emperor would find himself face to face with the people, no longer with obstructive intermediaries. The Reformers found this ideal precisely realized in the grand governmental system of T'ang which had recently been built. That system not only presented a picture of a perfectly systematic organization of the State, but also reflected a policy, of suppressing decentralizing forces and reserving all final authority in the hands of the sovereign. It was no wonder that the centralization of T'ang commended itself to the admiration of the Japanese Reformers.

At the same time, Japan did not forget that she had developed her own doctrine regarding the Imperial authority,

which, as we saw,<sup>1</sup> could from its nature be compatible any regimen so long as the latter was monarchical,—the celebrated theory of the Imperial succession. This she now did not fail to produce to its best advantage.

It will thus be seen that the principles of the Reform were partly Chinese and partly Japanese: Chinese in its organization of the State, and Japanese in its theory of sovereignty. Let us further elaborate on this point.

So far as the State organization was concerned, the Reform of 645 was almost a revolution, and we would have so called it, had not the emperor himself accomplished the deed. The Emperor Kotoku declared at the beginning of his reign that it was his intention “for the first time to organize all the *Kuni*.”<sup>2</sup> We have seen how the local government was organized, how land was equally divided among the people, and how the system of taxation and army was established. Nor is it necessary to repeat the description we have made of the new central government and of the nobility of office and rank. The old system was completely altered, in central and local government, in taxation and army, in the relation of the ruler to the ruled, and in the status of the people,<sup>3</sup> and nothing was left of the essential features of the ancient *tomo* and *miyake*, for the fundamental principle of society was changed from a quasi-patriarchism which had consistently ruled nearly all the institutions of the nation, to a form of the State in which a uniform law directly controlled all the subjects, who were sharply separated into two classes, one ruling over the other and in return being supported by it.

Perhaps for the first time in their history the Japanese people came to understand what was meant by the State.

<sup>1</sup> See p. 134 above.

<sup>2</sup> KT.I. 428, line I.

<sup>3</sup> Ibid, 429.

With it came a clear distinction between matters public and private, for so long as the Emperor had been identified with the State there would have been an easy interchangeability between the public and the private. After the Reform, however, the local governor, for example, could not employ many people in his retinue, as the people belonged to the State, but he might, on a tour of public mission, eat the food and ride the horses of the people of his district.<sup>1</sup> It is not difficult to conceive what a hard death the former loose notion of service had to die,<sup>2</sup> but the far-reaching effects of the new conception on the life of the people must on the whole have been tremendous.

On the whole the unparalleled nature of the sweeping change effected in the political organization of Japan can hardly be exaggerated. It was nothing less than the reconstruction of her whole machinery of State on the model of another country whose conditions and history had been vastly different from hers.<sup>3</sup> By their audacious act the Reformers plunged the nation into the abyss of the unknown future.

Perhaps it is not necessary to refer to the minor institutions which were also copied from China together with her fundamental political doctrine. Such were, for instance, the

<sup>1</sup> KT.I. 428.

<sup>2</sup> See, e.g., the offences of the eastern governors (KT.I.434-8) and the blunders of the central officers (434, 444).

<sup>3</sup> The Reform of 645 was much more abrupt and radical than the similar change of 1868. In the former, the nation at large was more passive, for a few statesmen accomplished the sweeping transformation. In 1868, although the Imperial throne was the inspiration of the movement, the actual work was participated by a considerable section of the nation. Moreover, the Japanese of the nineteenth century were more prepared, politically, socially, and intellectually, for their new life, than were those of the seventh for theirs. To say nothing of the training of the feudal regime which the former had received, they had been incomparatively better trained mentally than their forefathers of 645, for there had been among them an intellectual revival, and some of them had sharpened their appetite for knowledge by studying Dutch books.

system of the year-period, the rules of court-etiquette,<sup>1</sup> the political interpretation of natural phenomena,<sup>2</sup> and the imperial pardon and reprieve.<sup>3</sup> The building of the roads,<sup>4</sup> the establishment of the capital,<sup>5</sup> and the sending of a large embassy to China,<sup>6</sup> may also have been due to the civilizing influence of that country. It is interesting to note that a few of the older political teachings of China, which in spite of her changed conditions since the end of the Chow Kingdom had and have never been forgotten, found their way into the strange soil of Japan, and as we look back to-day, their incongruous nature is almost amusing. The Emperor, after a true Chinese fashion, denied that the good omen of the white pheasant was due to his government, for, he modestly said, he was small in virtue.<sup>7</sup> The mention of this last word cannot fail to bring in its train the historic Chinese ideas made so familiar to us in the last chapter. "If one wish to rule," said the Emperor, "be he the sovereign or an officer, he shall first right himself, and then he may right others. If he do not, how may he right men? Therefore, one who is not right, whether he is the sovereign or an officer, will receive calamity."<sup>8</sup> Was virtue then, as well in Japan as in the most ancient China, higher than the emperor himself? The Emperor again said to his Ministers: "We will govern the land in accordance with the precedence of the ancient sage kings."<sup>9</sup> Yao and Shun, Wan and Wu, could hardly have expected to find such an obedient disciple in an eastern island. But the climax was reached in a decree of 646, in which the Emperor solemnly said: "Heaven and earth beget all things, among which man is the most intelligent. Among the most intelligent beings, the sage becomes the sovereign." If sovereignty is created by the

<sup>1</sup> KT.I.444.<sup>2</sup> *Ibid.*, 450-2.<sup>3</sup> KT. I. 437-8, 450.<sup>4</sup> 452.<sup>5</sup> 453.<sup>6</sup> 454.<sup>7</sup> 451-2.<sup>8</sup> 435.<sup>9</sup> 427.

highest virtue, where is the Japanese theory of imperial succession?

It may be alleged that these expressions were probably, as in many other cases, composed by the writers of the *Nihongi*, who falsely attributed them to the Emperor. It seems to us comparatively unimportant whether this explanation holds true or not, so long as there are other recorded utterances of the Emperor which distinctly enounce the theory of sovereignty peculiar to Japan. It is not strange that he, in his desire to insure the perpetual supremacy of the emperorship, should have emphasized the theory. Between it and his Chinese ideas, the inconsistency may be explained as due either to the uncritical style of the *Nihongi* or to the half conscious state of the Imperial mind regarding the relative position of Chinese and Japanese political doctrines. The Imperial words we are about to quote have a greater claim to authenticity than those quoted in the last paragraph, for the reasons that the heterogeneous character of their style in the body of the text leaves no doubt that they were quoted from some other writings perhaps official and contemporary, and that they are very similar to the formal phrases of the later Imperial decrees which are found in the *Zoku-Nihongi*, a work written by other hands than those which wrote the *Nihongi*. As a matter of fact, those words had become set phrases of the ordinary decree by the year 697, when the account of the *Zoku-Nihongi* commences, and, but for the fragmentary quotations in the *Nihongi*, we might not have known that they dated as early as 645. The following are some of the phrases we meet during the years of the Reform :—"The Emperor of Japan, who rules the land as a living deity"<sup>1</sup>; "Our Imperial forefathers"<sup>2</sup>; "As the Heavenly Deity grant-

<sup>1</sup> KT. I. 427, line 1; 433, line 10.

<sup>2</sup> 427, line 3.



ed them to us, we shall now for the first time organize all the *Kuni*"<sup>1</sup>; and "(The Heavenly Deity) divinely commanded, saying: 'Our children shall rule.' Hence this is the country they have ruled from the beginning of heaven and earth. From the time of the Imperial ancestor who first ruled the land, etc."<sup>2</sup>

We have perhaps sufficiently demonstrated our opinion that the principles of the Reform were partly Chinese and partly Japanese: Chinese in its organization of the State, and Japanese so far as its theory of sovereignty was concerned. With as much emphasis may it be said that in this combination is clearly shown the oft-repeated fact that the Reform was conceived and effected by the institution of the Emperor. By the Reform it rested its authority upon a newly organized State and reasserted its old doctrine of the divine right of succession. The Reform was thus primarily the Emperor's reform.

With this conclusion may the present work be considered to have been brought to an end. A further analysis, however, would reveal a startling feature of the Reform, which was at the time probably unseen, but which, it would seem, forms the key to the subsequent political development of Japan. We refer to the practical isolation, the one from the other, of the two principles constituting the Reform. The organization of Japan prior to 645 was a fictitious hierarchy, whose foundation, the clan or quasi-clan, was now theoretically destroyed, while the apex, the Emperor, was preserved and elevated. The one-tribe theory, if it had ever existed as a vital principle,

<sup>1</sup> K.T. I, 438, line 1.

<sup>2</sup> 443-4. Compare the famous words of Wake-no-Kiyomaro, who in 769 said: "From the beginning of our country, the distinction between the sovereign and the subjects has been defined. No subject has ever become sovereign. The throne always devolves on the Imperial line. Whosoever disregards this principle shall be set aside." Z. y. Jingô-Keiun 3 m5.

was irretrievably broken, leaving the theory of divine succession without its patriarchal support. The loss was compensated by the imported conception of the State. How could the two be reconciled with each other? The solution was not forthcoming until the second reform of Japan of 1868. In 645, it was for the first time decreed that Japan ceased to be a tribe and became a State, but the latter was, according to its Chinese pattern, a State without a nation. On a nation alone might the Japanese emperor securely rest his authority, but not on a State losing the tribal tie and gaining no other foundation but a network of political institutions. In China the defect was not felt so long as she enjoyed isolation from the Western Powers, for she possessed a firm basis in her great civilization, of which her political life formed but one of the factors solidly welded together by the accumulated need and wisdom of many centuries. The Chinese people lacked the national consciousness, but were unified by the proud sentiment of the Central State, and as to the political system that controlled them they assumed toward it on the whole an attitude of passive endurance, for to them their civilization must have seemed as vital as the State-system appeared accidental. The latter would be ideally good when its existence was not felt by the people. Japan, however, could do no more than copying it, while, on the other hand, making a show of introducing in a lame manner the educational system of China. Without the inner harmony, however lifeless, of the Chinese civilization, the people of the island empire could not be animated by the Central State notion, but on the contrary looked up to the home of enlightenment with adoration, considering themselves modest pupils.<sup>1</sup> The peculiar intellectual phenomena thus

<sup>1</sup> During the feudal ages, the pride of the Japanese people was twice felt, at the Mongol expulsion late in the thirteenth century and at the Korean invasion toward the close of the sixteenth, but it was unassociated with any sense of the native culture.

caused by artificially imitating the higher culture of another race form in fact an important subject for a separate treatment. Having discarded the patriarchal tie and not inspired by a spiritual unity, the Reformed Japan was merely an old Emperor *plus* a new State, with no organic connection between the two. In our opinion, this situation is of paramount importance in understanding the remarkable history of the succeeding centuries. Combined with causes too deep and numerous to be even casually referred to here, the two fundamentally incongruous factors, the Emperor and the State, were gradually pulled apart from one another, until the authority of the former was completely usurped by the high civil officers who surrounded his person and the majority of whom issued from one and the same family, and the State lapsed into the real control of a certain new military clans. When, toward the end of the twelfth century, these clans superseded the civil nobility and publicly assumed the rule of the Empire, the feudal regime of

The idea of the Central State was somewhat copied in Japan's dealings with the Korean envoys, but on the other hand an Ashikaga *shogun* is said to have sent tribute to China. Even in the Tokugawa period, a Confucian scholar, Ogiu Sorai, did not eschew the epithet barbarian in contrast to the cultured folks of China. It appears that the universal national pride of the Japanese began to be felt during the last years of the feudal regime, when the foreigners came to disturb the peace of the long secluded country. It is remarkable that the new national sentiment was not that of a central State but of a "country of the Gods" (神洲, 神國) or "country of the Emperor" (皇國). Phrases are found in the memorials presented by the last *shogun* to the Emperor, in 1867 and 1868, which imply a frank confession that Japan was behind the Western Powers in her equipment as a sovereign State and that therefore she should strive to attain to their level. From such language as the following, the pride of a central, supreme Empire may be said to be totally absent:—

當今外國の交際日に盛にして愈政權一途に出ざれば綱紀離立候間從來の舊習を改め政權を朝廷に歸し廣く天下の公議を盡し聖斷を仰き同心協力共に天國を保護せば必海外萬國と可並立云々。(In 福地源一郎, 幕府衰亡論; G. Fukuchi, the *Bakufu Suibō Ron*, Tokio, 1894, pp. 67.) 果不肖苦心焦慮宇内の形勢を熟察し政權一に出で萬國並立の御國威相輝き候ため廣く天下の公議を盡し不朽の御基本相立度云々。(Ibid., p. 324.)

Japan now began, which carried everything before it for nearly seven centuries. Yet the Emperor subsisted, for no over-lord could safely obliterate him. His power had so completely been overshadowed by the feudal authorities, that when the Western powers came clamoring at the door of the closed Japan, the forcibly awakened national feeling<sup>1</sup> of her people immediately fastened itself to their sense of pitying sympathy with the waning of the Imperial prestige. This union of patriotism with loyalty gave birth to New Japan, and the happy evolution of this union has been at the basis of her progress since the Restoration. At first the Imperial interest was represented by the Court nobility and the love of the Country of the Gods upheld by such warriors as were for different reasons opposed to the feudal chief. Circumstances made the alliance of the two classes too formidable for the feudal government to resist. As soon as the last fell, the support of the emperor was found to be the strongest and most

<sup>1</sup> Here is seen a remarkable difference between Japan and China. The same external pressure, which produced in Japan a strong national feeling, failed in China to stir the mind of the nation, but reaction was felt only by the Government. When the feeling was later shared by the educated classes, it took the form, not of a national sentiment, but of the pride of and loyalty to the civilization of the central State. As to the people at large their placid mental life does not seem to have yet been materially disturbed by the treatment which their country has suffered at the hands of the foreigners. Even as feeble a national sense as must have for a time dawned in the hearts of the Japanese people at the Mongol invasion and Korean expedition during the feudal ages does not appear to have kindled the sentiment of the Chinese peasants in the interior. This great difference is due, we think, to a fact in history whose importance we repeatedly emphasize. The peculiar circumstances in China have tended to invest nearly all the duties of government in her officers and remove her people from almost all the opportunities of political training, so that the vast majority of the nation feel little interest in the doings of the State. On the other hand, Japan had had the rare opportunity, before coming in active contact with the foreigners, to develop an indigenous feudalism, to receive all the social and political training it could give her, and to know sufficiently its weaknesses to be able to transcend it by the effort of its internal elements, as soon as the external difficulties exposed to her the fallacies of a divided nation.

advanced minority of the nation. The subsequent course of events, however, tended to broaden step by step the basis of the Imperial support, until, as was signalized by the summoning of the representative assembly, it embraced the entire nation, with all its parties and classes.<sup>1</sup> The national feeling has seized the whole of the people, and in unison with it exists the sovereign authority of the Emperor. Thus in the Nation has at last been found the solution of the historic problem of Japan. The Emperor and the State not only exist together, but the former animates and inspires the latter, for the national feeling and the Imperial theory of succession have been fortunately combined and have still more fortunately developed together by virtue of the combination. The student would, however, be led astray if he mistook the union for identity.<sup>2</sup> The Imperial succession is as firmly founded as is the national sentiment, but the one is a traditional theory, in origin different from and much earlier than the other, which is based upon an aggregate of practical interests, and it was a happy coincidence that the two have been so cunningly entwined with each other. It is a striking fact that already a strong tradition has been built up that the Emperor should rest reliance, politically, socially, or spiritually, on no section of the people, but on the entire nation,<sup>3</sup> and the controlling power of the traditions of

<sup>1</sup> Cf. Y. Takegoshi, *Shin-Nihon Shi* (竹越與三郎, 新日本史). Vol. 2. (Tokio, 189-). Pp. 27-36.

<sup>2</sup> During the earlier years of the present reign, as the author well remembers, it used to be said that in Japan patriotism and loyalty were one and the same thing. The illusion has not yet completely gone.

<sup>3</sup> In spite of his great constitutional powers, the Emperor shows no personal inclinations in his political conduct, even in the selection of the Premier or the sanctioning of the actions of the Cabinet, but considers the views of his public servants, and strictly observes the wishes of the National Diet when they are expressed. His prerogative as an institution has at times been forcibly exercised, as, for instance, in removing a deadlock between the two Houses of the Diet by dissuading the obstruction of the Peers to a measure already passed by the Representatives,

this character over the individual human nature, frail as it may appear on the surface, we cannot well question without ignoring the teachings of history. On the other hand, the Japanese nation, but for its Emperor, might not improbably pass into a wild competition for supremacy of its rival interests, and its success in self-government might perhaps be overtaken by the failure of its self-preservation. The existence of the Imperial house preserves the emotional beauty and intense unity of the national sentiment, which it disciplines and ennobles. The patriotism and loyalty are not identical, but their organic, vital harmony forms the life and religion of the Japanese people.

In conclusion, we shall again say that the dawning of the national sense in 1868, which did not exist in 645, solved the problem between the Emperor and the State, which had been inherited in Japan since the earlier date. Yes the rise of that sentiment was made possible by the training the people had received during the seven centuries of feudalism, while the coming of the latter was born in the very incongruity of the Emperor and the State of the Reform. When Japan emerged from the feudal rule, it was once more the institution of the Emperor that bridged over the gap of history and preserved the continuity of the national life. The Emperor has thus been the most enduring and most serviceable institution in Japan, and is today the central, unifying power of the nation. We venture to say that his position, in spite of the temporary peril to which he had been subjected and of another which he

but it is impossible to trace any personal, as opposed to national, motive in his behavior. In religious matters, he protects all the faiths in the Empire alike, he personally manifesting inclination to no one of them, save in his performance of the traditional shinto rites, which are more ethnical than religious. For these reasons it has been said by some foreigners that the Japanese Emperor is an impersonal nonentity mechanically putting his seals upon the State papers in which he has no voice. In their views an Eastern ruler is apt to be either a despot or a tool simply because he is found in the so-called pagan Orient.



could not foresee, had been established before 645, that the Reform strongly confirmed it, and that his renewed status in the seventh century was an inspiration to its restoration in the nineteenth.

## SUPPLEMENTARY CHAPTER.

Perhaps one might get a clearer understanding of the subject of our essay, if he studied even in a cursory manner some of the important features of the social evolution that immediately followed the Reform. We shall try to present from original sources a few data which lie on the surface of that great evolution, reserving for the future an explanatory study of its deeper causes. Our present sketch will limit itself within the period between the date of the Reform and the beginning of the tenth century.

At the outset it should be noted that since the failure of her expeditionary attempt in Korea in 663, Japan ceased to have active political relations with her kingdoms, which had been a cause of continual drain on the resources of the country. No longer did Japan meddle in the Korean politics, send soldiers and reinforcements to assist one Korean kingdom against another, or concern herself about the restoration of the once tributary provinces in the Peninsula. The effect of thus freeing the country from a great external stress was further augmented by the cessation of intimate relationship with the Chinese Empire by 894. Henceforth, and even from earlier times, the social and political development in Japan was in the main unaffected by foreign influence.<sup>1</sup>

<sup>1</sup> Japan's seclusion between this time and the last part of the thirteenth century affords a remarkable similarity to the second national isolation which intervened between the exclusion edicts of 1636-41 and the coming of the new set of foreigners in the middle of the nineteenth century. During the former period the Japanese communications with China and Korea were rare and entirely formal, and during

From the new social distinction of the nation into the officials and the common people, and the geographical distinction between the Inner Country and the outside regions, as well as such an onerous system of taxation and personal service as was described in the last chapter, one might well expect the growth of a sharp contrast the one to the other between the luxurious life in the Court and the toilsome peasantry of the *Kuni*. Poetry and love, petty jealousies and optimistic idleness, seemed, as time went on, more and more to engross the minds of the denizens of the metropolis, while the relentless apparatus of local taxation<sup>1</sup> pressed heavier every decade on the agricultural population. As the expenditures and consequent taxes increased, and popular disaffection grew, it was the local governor who keenly felt the responsibility heaped upon his shoulders. When every other part of the machinery of the State steadily gravitated toward the lines of the least resistance, it was impossible to compel

the latter no Europeans with the exception of a few Dutch merchants were admitted into the country. Yet these long years of seclusion were followed by active foreign relations: the former period, by the Mongol invasion and the depredations of the Chinese and Korean coasts by Japanese pirates, as well as a vigorous trade in the eastern and southern waters of Asia; the latter, by such tremendous national activity in all directions as is today witnessed with wonder by the world. The most significant feature of the comparison will be found, however, in the fact that during her periods of exclusiveness, Japan had time to develop her moral and material resources which have proved to be a fit preparation for the active career that was to follow each of the two periods. The first period was the age of the growth of the feudal forces, and the second, one in which these forces were brought to their logical conclusions precedent to their self-termination. It would seem that Providence could not have interposed periods of external inactivity and internal training in the Japanese social evolution more opportunely than they have been.

<sup>1</sup> In 739, already, the rice-loan of the people of Bitchû averaged not less than 50 sheaves per person. (DK. II. 247.) The list of the destitute supported by the government in Izumo, in the same year, is surprisingly large. (Ibid. I. 201-247.) In 855, there were in a town in Mino 296 residents, of whom 215 were employed in perpetual forced labor of post-horse transportation. (S. VII-iii).

him alone to be upright and unselfish, and it was an error to expect him to be more disinterested as others became more elusive. It was to no great effect then to encourage his good government with a view to causing an increase in population<sup>1</sup>, for a greater produce of taxes would be overtaken by still heavier demands. We seldom hear after the middle of the ninth century of cases of increased population mentioned in the official documents,<sup>2</sup> while, on the other hand, the number of runaways and outlaws, as well as persons fictitiously dead, had already been growing apace. Some miserable people were pressed so hard that they threw away the pride of birth and preferred admixture of slave blood to the extortionate levies.<sup>3</sup> The mention of the outlaws dates so early as 670,<sup>4</sup> and in 677 and 679 they already seem to have constituted a serious problem.<sup>5</sup> Some of them turned robbers and invaded the Inner Country.<sup>6</sup> Henceforth the documents contain frequent reference to their rapid increase and its injurious effect on the system of taxation.<sup>7</sup> The policy seems to have long vacillated between ordering them back to their *Kuni* and registering them in their present abodes.<sup>8</sup> It will be readily seen that the primary concern of the government was to force them into some position where they would again be amenable to taxation. Hence a stream of outlaws flowed toward the capital and the Inner Country, where the forced-

<sup>1</sup> R. XIV. 54-56. S. VI-i.

<sup>2</sup> Exceptions: In Iyo, in 874 and 884 (S. VII-iii). There may have been others. The case of Kiushu (823) is a good illustration of slow increase, the rate being less than 400 souls per year, or, about one in 109 (S. XV-iii-4).

<sup>3</sup> 863 (S. III-vi).

<sup>4</sup> N. Tenchi 39 m2.

<sup>5</sup> Temmu 33 6 & 8. Also 689 (Jitô 33 m8).

<sup>6</sup> Z. Mommu 34 m11; 3 Keiun 3 m1; 3 m2.

<sup>7</sup> 709 m2 (Z. IV); 715 mm 5 & 8 (Z. VI); 726 (DK. I. 369, 387); 734 (ibid. 587, 597); 765 m2 (Z. XXVI); 936-946 (Kurita, X. p. 49); &c., &c.

<sup>8</sup> 689 (Z. Jitô 33 m8), 709, 715 (above), 721 (S. VII-v), 736, 785, 800 (ibid.), 808 (XV-i-6), 810 (VIII-ii-22), &c.

labor and the *jô-tax* did not exist.<sup>1</sup> Another important shelter was the numerous temple grounds,<sup>2</sup> whose luxuriant woods and extensive tabu-areas must have been an attraction to these malcontents who, by forsaking their family and ancestral ties, had probably freed themselves to a large extent from the superstitious fear of ghosts. Outlaws also turned colonists, for we read that in 755 nearly a thousand of them founded a village in Ôsumi,<sup>3</sup> and that four years later two thousands settled in the northern frontier.<sup>4</sup> Other instances of settlement are many, most of which were in the north, where their service as garrison-soldiers must have been welcome.<sup>5</sup> Even thence, however, some of them soon began to flee.<sup>6</sup>

Still another shelter was open for the increasing outlaws, and that was under the wings of the great men. So soon as 717, it is said, they were received by them without the sanction of the local officers or even at their connivance.<sup>7</sup> The method of reception consisted in employing the outlaws as household servants either within the Capital or in the extensive estates which the nobles were building up in the *Kuni*.<sup>8</sup> In the latter the great owners were represented by their agents who, taking advantage of the influence and, what was worse, immunity, of their absent masters, defied the local officers and oppressed the people.<sup>8</sup> The situation was aggravated by the addition of the outlaws, some of whom even came with their land-holdings.<sup>9</sup> In the meanwhile,

<sup>1</sup> 800-806 (S. VII-v), 855 (ibid.), 891 (S. XII-i-61), 897 (S. I-iv).

<sup>2</sup> 725 & 895 (S. I-i).

<sup>3</sup> Z. XIX, m7.

<sup>4</sup> XXII, m9.

<sup>5</sup> 753 m10 (Z. XXI), 761 m3 (XXIII), 762 m12 (XXIV), 769 m1 (XXIX), 843 (S. XII-ii-7)

<sup>6</sup> E. g., 897 (S. VII-v).

<sup>7</sup> 717 m5 (Z. VII.)

<sup>8</sup> 717 m5 (Z. VII), 780 (S. VII-5), 782 & 897 (ibid.), 797 & 855 (ibid.), 895 (XII-i-31), 902 (ibid. 36), &c., &c.

<sup>9</sup> 902 (S. XII-i-36).

the taxable population of the *Kuni* steadily decreased, and their best lands passed, in various ways, into the hands of the great people with whom the outlaws had allied themselves. It was ordered to levy the *yô* and *chô* on the latter,<sup>1</sup> but the growing influence of their patrons must often have cowed the tax-collectors.<sup>2</sup>

A general unrest was an inevitable outcome of this situation. In spite of the repeated prohibition of the private use of weapons and warriors in the Capital and in the country,<sup>3</sup> sworded ruffians increasingly frequented even the streets near the Palace.<sup>4</sup> The heads of some clans did not on occasions hesitate to arm their people,<sup>5</sup> and even the Guards and official servants took part in rioting.<sup>6</sup> When the Capital was in turmoil, the laxity of the local government may well be imagined.<sup>7</sup> Already in 731, bands of vagabonds roamed about the country, which in some cases, to use the perhaps exaggerated language of an edict, numbered thousands, and intimidated the superstitious people.<sup>8</sup> The evils seem to have grown, as time advanced. Everywhere was robbery, piracy, or incendiarism.<sup>9</sup> The great men and their clients again were not unguilty,<sup>10</sup> and their favorite mode of lawless conduct seems to have been to hunt in an imposing array of men and arms.<sup>11</sup> In 894, in at least eleven *Kuni*, the servants

<sup>1</sup> 797 (S. VIII-ii-24).

<sup>2</sup> S. VII-v, VIII-ii-24, XII-i-31, &c.

<sup>3</sup> 701 (*Hôshô Shiyôshô* (法曹至要鈔), II. 1), 757 (S. XII-i-16), 867 (*Hôshô Shiyôshô*, II. 1), 926 (V. XII. 78), 954 (*Hôshô Shiyôshô*, II. 1).

<sup>4</sup> 784 (S. XII-i-48), 835 and 867 (XIX-i-55), 834 (XII-ii-18), 864 (XII-i-150), &c.

<sup>5</sup> 757 (S. XII-i-16).

<sup>6</sup> 849 (S. XII-i-64). <sup>7</sup> 707-8 (Z. IV).

<sup>8</sup> Z. X. 79. 731 mri (Z. X.).

<sup>9</sup> 754 (S. XII-i-47), 773 (ii-37), 779 (i-46), 814 (VIII-v-7), 813 (ix-1), 840 (XII-ii-28), 867 (i-49), 867 (-64), &c., &c.

<sup>10</sup> 853 (S. XII-i-56), 860 (ii-23), 891 (i-59), 891-4 and 901 (ii-22).

<sup>11</sup> 773 and 808 (S. XII-i-16 & 17), 860 (-18), 863 (-19), 905 (-20), 926 (V. L. 37-8).

of the great men went so far as to rob the produce of the taxes on its way to the Capital.<sup>1</sup> It is not surprising that, under these circumstances, the officers of the Kôri were powerless before the outrageous agents of the nobles. They overawed them in every possible way, sat in judgment over them, and even nominated their clients and agents in their stead.<sup>2</sup>

It is now time to consider who these great men were, that were so frequently referred to in the edicts in connection with the question of land, taxation, and general economic and administrative conditions of the country.<sup>3</sup> In the edicts they are almost invariably termed *wô-shin* 王臣. We think we can indentify their persons in the formal clause with which nearly every one of the more important Imperial decrees of the period opens. In it they are addressed to "the *Miko* (皇子 or 親王), *Ôkimi* (王), *Omi* (臣), all the officers, and all the subjects of the Empire."<sup>4</sup> It will be seen that the characters which we have translated as "great men" appear in the second and third of the enumerated classes. The *Miko* were Princes of the nearest kinship to the Emperor,<sup>5</sup> and all the other Princes were called *Ôkimi* or *Kimi*. The *Omi* is the only debatable term of the three, but we take it to mean, not the ancient 'omi'<sup>6</sup> who usually accompanied the 'muraji', and very often the 'miyatsuko' of the two kinds, but all the nobles, except Princes, of the higher ranks and offices. The class named in the fourth place must have

<sup>1</sup> S. XII-i-65.

<sup>2</sup> 845 (S. XII-i-30), 855 and 868 (ibid.), 905 (-54), 893 (VII-iii).

<sup>3</sup> Between 706 and 905 the *Sandai Kaku* refers to them not less than fifty-five times, which number may be multiplied by the contents of the five histories and other sources.

<sup>4</sup> 697 *m*8 (Z. I.), 707 (IV), 749 (XVII, *mm* 2 & 7), 758 (XXI, *m*2).

<sup>5</sup> See R. I-i.

<sup>6</sup> Because the system of *kabane* was changed in 682, as we saw on page 321.



consisted of the lower officials alone, for that the third did not exclude the higher ones may be inferred from the decree of 729, which was directly addressed to the first three classes only, when there "were summoned to the Inner Palace the persons of the first five ranks and the heads of all the bureaus (五位及諸司長官)".<sup>1</sup> The bureaus 司 were probably the first subdivisions<sup>2</sup> of the eight Departments, of which there were in 701 about seventy. It will also be remembered that some nobles of rank had no official duties to perform. From these considerations we think it is justifiable to say that *wô-shin* included some Princes and the persons of the highest ranks and offices.

Of these, it will be easily seen from the plural wives of each emperor how increasingly numerous a class the *Kimi* (Princes) must have been. While most of them were persons of rank, and therefore had some means of subsistence, and even of aggrandizing their land-holdings in the country, others must have been idle and destitute. In 733, salt and rice were given to 213 poor *Kimi*, who were reprimanded for their laziness.<sup>3</sup> Among the number, there appeared since the early years of the eighth century<sup>4</sup> some who found the empty life of the Court intolerable and volunteered to forsake their princely names and assume such clan-names as belonged to the greater subjects. They took to active official life, either in the central or in the local government, preferably the latter, where talent and energy counted at least more than in the Inner Palace. Be he a governor or a central officer, the ambitious *Kimi* would consider his land-salary in the country the kernel of his power, which he eagerly extended through

<sup>1</sup> 729 m8 (Z. X.).

<sup>2</sup> 司 and 寮. See R. II.

<sup>3</sup> Z. XI (m3). Cf. Edict of 799 (S. XII-i-41).

<sup>4</sup> E. g., 736 (Z. XII. m11), 738-9 (XIII.), 740 (XIII. m9), 758 (XXII. m12), 761 (XXIII. m3.), 763 (XXIV. m8).

the instrumentality of his irresponsible proxies. It was perhaps useless to forbid his stepping out of the Inner Country.<sup>1</sup> In 889, Takamochi-no-Kimi was granted the clan-name Taira, and in 941 Prince Tsunemoto was named Minamoto. It was these two clans, Taira and Minamoto, who in the course of time ramified into several families, occupied governorship of some of the most important *Kuni* and *Kôri*, controlled the military powers of the country, and finally before the twelfth century was over brought about the feudal regime of government.

As to the *Omi*, or, great men other than the Princes, the largest and strongest clan among them was the Fujiwara, the descendants of the statesman of the Reform, Kamako. Laying aside the question how disinterested the motive of the latter was, the Reform in fact resulted, so far as the personnel of the government was concerned, in substituting the Fujiwara for the Soga. Their power was insured only after many fluctuations and great struggles, but since the last half of the eighth century their supremacy in the Court was secure and almost absolute. In the country, also, they not only found the governors on the whole submissive, but their landed estates were successfully increased through purchase, commendation, usury, assumption of litigations, and every other possible means to which their agents might have recourse.<sup>2</sup> A general difference in this respect between the Fujiwara on the one hand and the Taira and Minamoto on the other was that, while the latter threw their heart and soul on the combined strength of land and force in the *Kuni*, the former relied more on the dignity of rank and office in the Court and on the income from their local possessions. It was not uncommon after the end of the eleventh century to see the warriors of the two

<sup>1</sup> 853 (S. XIX-1, KT. XII. 1022).

<sup>2</sup> 896 (S. XV-iv-9, XII-i-33), 902 (XII-i-32), 905-55), &c.

clans being hired to safeguard the conflicting interests of the rival families of the Fujiwara, or of the latter on the one hand and members of the Imperial family on the other.

Let us now say a few words concerning the methods by which the great men acquired large tracts of land. One of them was the cultivation of new lands. As has been said,<sup>1</sup> it was rather encouraged by the Reformers and in the Code of 701. In 723 we meet for the first time a definite statement of the tenure of the new land, of which we lack knowledge for the preceding period.<sup>2</sup> An edict of that year says that, since the increase of population demanded new cultivation all over the country, those who made new ditches and ponds and opened new lands to cultivation should enjoy the use of the latter for three generations, while the lands cultivated near the old ditches and ponds should be held by the cultivator for one generation.<sup>3</sup> Twenty years later, however, it having been found that this law did not sufficiently encourage cultivation, the new lands of all kinds were declared to be permanent and irrevocable possessions of the cultivators. Those opened by the *Kuni*-governor alone reverted to the State at the end of his term. Every case of cultivation, however, required the sanction of the local authorities, and then if the land thus allowed was left untilled for three years, another person might apply for its cultivation.<sup>4</sup> It was not long before the government was forced by circumstances to recognize the distinction between the peasant-cultivator and the noble cultivator. The former was to be encouraged by every means, and the latter to be restricted within such bounds as would not interfere with the interests of the common people.<sup>4</sup> But it is easy to see how in-

<sup>1</sup> See pages 290-295 above.

<sup>2</sup> 723(Z.IX. *m4 d17*).

<sup>3</sup> 743(S. XV-iv-1), Again enforced in 811 in Mutsu(ib. 8), and in 819 and 827 in the Capital(XVI-i-1&2),

<sup>4</sup> See, for instance, 820(S. XV-i-1), 824(VII-i-3), 826(XVI-v-2), &c.

creasingly difficult it was to enforce the laws against the great men, for they were the very persons who managed the central government, and the local governor on whom devolved the duty of executing the mandates grew weaker as the great men became stronger in his district. An instance of their conduct may be seen in their abuse of the last clause of the edict of 743 which we have cited. Poor peasants would often be unable to cultivate within three years all of the waste lands they had received on request, when the agents of the great men would claim the right of taking them into their hands, and the local officers would do naught but yield to them.<sup>1</sup> In this way and every other possible way the arable lands were eagerly seized and retained.<sup>2</sup> Around these arable lands or any other of their land-holdings, the nobles began early to mark out wide stretches of hills and valleys, which they closed to the use of the peasant. The laws against this practice date from 675 and were frequently re-enacted with evidently little effect.<sup>3</sup> Another fruitful source of aggrandisement was the special Imperial grants,<sup>4</sup> by which often extensive pieces of either cultivated or uncultivated land passed into the hands of the nobles or of the Buddhistic churches.<sup>5</sup> An edict of 902 says that these grants had been created in all the *Kuni*<sup>6</sup> in the country. At the same time, purchase, commendation, and forcible eviction, seem to have gone on in an ever increasing pace.<sup>7</sup>

<sup>1</sup> Edict of 896(S. XII-i-3).

<sup>2</sup> See, e.g., of 765(S. XV-iv-2), 772(ibid.), 784(-3), 795(-2), 803 and 809(VI-i), 812(XV-iv-6), 839(XII-v-2), &c., &c. 890(see Kurita, X. 48).

<sup>3</sup> 675(N. *m*2), 706(Z. *m*3), 711 and 806(S. XVI-iv-3 & 9), 784(XV-iv-3 & 7), 798(XVI-iv-2), 811(XV-iv-5), 850(XVI-iv-4), 892(-6), 902(-7), &c., &c.

<sup>4</sup> 勅旨開田 and 勅旨田. Also various 賜田.

<sup>5</sup> See Kurita, X. 37. and IV. 76-7.

<sup>6</sup> S. XII. i-36.

<sup>7</sup> Commendation was termed 寄進. (See an edict of 895, also. S. XII-i-31). The document of 902 just referred to is a very important one in showing nearly all the phases of this serious question of land and taxation as it stood at that time.

The landed estates of the great men which they acquired in so many different ways were generally called the *Shō-den* (庄田) or *Shō-yen* (庄園), and their local residences, which were under the management of the agents of different general names, were the *Shō-ke* (庄家).<sup>1</sup> The magnitude of some of the larger *Shō-den* may well be illustrated by one of the hereditary estates of the clan-head of the Fujiwara, which in 986 had over 200 houses of dependent families, was represented by a *Kuni*-officer, and was strong enough to defy the local governors.<sup>2</sup> About this time, even the house-salaries (*fū-ko*, 封戸) seem to have been considered a private possession and freely transferred.<sup>3</sup>

By the side of the nobility, an as great, if not greater, possessor of land was the Buddhist church, many of whose extensive estates seem to have antedated the Reform. We have the inventories,<sup>4</sup> made in 747, of the property belonging to two of the largest churches in Yamato, from which it appears that one of them held nearly 46 *shō* (庄) and 5,000 acres of land, and the other not much less. It will be noted that this was only one item of their immense wealth, and that their land-holdings continued to grow after 747.<sup>5</sup> In later ages, when peace departed even from the Capital, some of the greater churches called upon each of their *shō* in turn to send up warriors to guard them.<sup>6</sup> If they could summon a few soldiers all the time from one *shō* after another, they might, as they often did after the twelfth century, summon at times many soldiers from many *shō*.

<sup>1</sup> See, for example, edicts of 737 (S. XII-i-32), 751 (ib.), 797 (XV-iv-10), 853 (XVI-iii-2), 902 (above).

<sup>2</sup> See Kurita, X. 49-52.

<sup>3</sup> 969. See *ibid.*, 48.

<sup>4</sup> DK. II. 578-522.

<sup>5</sup> See Kurita, X. 63, 59-62, 55-8, 45-8, and 63-7.

<sup>6</sup> Kurita, X. 68-9.

One will not fail to see that a result of this grand social transformation must have almost completely defeated the original designs of the Reformers. The decrease of the taxable land and taxable population seems to have proceeded more rapidly as time went on. The year 902 has left us several documents which throw considerable light on the conditions of the country at that time. One of them says that in Kawachi, Mikawa and Tajima—observe how widely separated they are—persons exempt from taxation, such as the attendants of the central bureaus, office holders, and the dependents of the great men, had immensely increased, and the people who remained under the direct control of the *Kuni* were so poor as to be practically untaxable.<sup>1</sup> Another edict of the same year complains that allotment of land had been neglected for fifty or sixty years, that the untaxable people had grown in number all over the country and the taxable were without land, the private estates had enormously increased outside of the official land-charts, within which the lands termed “not arable” grew in ratio every year, and that the censuses showed few or no men and many women in the taxable families.<sup>2</sup> The famous memorial of Miyoshi Kiyotsura which he presented to the government in 914 cites the example of a district in the *Kuni* of Bitchû, which in 660 could furnish 20,000 soldiers, while in 765-7 its taxable population fell to about 1,900. About 860, however, it was only 70, in 893, only 9, and in 911 there did not exist a single resident. Probably this was an extreme case, but Miyoshi contends that out of about 300,000 taxable people that lived outside of the Inner Country, Kiushu, and Mutsu and Dewa, not more than 100,000 were being actually taxed.<sup>3</sup>

<sup>1</sup> S. XII-ii-20.


<sup>2</sup> S. XV-i-5.

<sup>3</sup> Hagino, *Dai-Nihon Tsûshi* (大日本通史), Vol. I. Tokio, 1900. Pp. 602-610.



After our brief survey, the rationale of this evolution would now appear to our mind intelligible at least in some of its main points. History has taught the rulers of China that primarily their dynastic interests, and secondarily the peace and contentment of the people, would be best secured by an organized division of labor and cooperation between the officials and the people, the former with no other duty but to govern in accordance with minute rules of political conduct, and the latter with no other share in the affairs of the State but to supply the entire national outlay out of the issue of their equal holdings. This system was duplicated in a country where the land was far less extensive, and where there was no possible dynastic danger. Japan knew little need of suppressing the rise of a great local prince who might cross swords with the Emperor, and hence primary attention of the government showed an early tendency to centre around, not two points, namely, suppression of the princes and taxation of the people, but the latter alone. Henceforth, two parallel movement grew up side by side. On the one hand, it was probably for the sake of taxation that the cultivation of new lands was encouraged. On the other, the new nobles of rank and office being descendants of the old nobility, and fearing none other in the land to rival them, they themselves undertook to be the great men. They controlled the entire central government, and the institutions of house-salary and land-salary, especially the latter, seem to have served directly to rivet their interests to the local districts. With their holdings in the *Kuni*, many of which were held for life only, as their starting points of operation, they steadily encroached upon waste lands, new lands, and old lands. The process must have been comparatively easy at its beginning, when it proceeded probably from different lines at the same time. When once begun, the spirit of emulation must have impelled the great men to vie with one another in evicting the people and absorbing their lands

and the outlaws. In the same proportion did the taxable property and taxable population in the country fast dwindle, and with them the power of the local governor. It was an irony of fate that the great men, who were a product of the bureaucracy and were indeed at its top, now took advantage of the system and helped its dissolution, and that yet on the surface they continually pressed the local officers to enforce laws against the evils, of which they themselves were the origin. While, however, one class of the great men was increasing its landed estates for the love of luxurious life in the Capital, another condescended to reside in the provinces and, taking advantage of the universal unrest, to control military forces, as well as land. The latter class began to assume an important position only from the eleventh century, until it finally outgrew the former class and stripped it of its once enormous landed possessions. As our sketch ends with the opening of the tenth century, a treatment of the further development lies beyond the scope of this chapter—a development of the *feudal* forces which grew up as an unexpected result of transplanting Chinese civilization to Japanese soil. This remarkable development must furnish data of deep interest to the student of comparative history. As to its intelligent presentation, perhaps no writer can be too well trained for the great task.



# INDEX.

## A.

Adams, G.B., 181-182.

**agata** (縣), a local division; derivation and use uncertain, 48, 50-51, 91-94.

age, as basis of classifying the people, in China, 214; in Japan, 301.

agricultural policy in China, 196.

agriculture as basis of taxation, 310.

ancestor-worship, in China, 35-37 and notes; in Japan, 35-7 and notes; *Also see* Shinto.

Anglo-Saxons, 40, 180-184, 180-182.

Ariga (有賀長雄), 68 n. 4, &c.

assembly, national, in ancient Japan, 38-39, 138-139.

**Atae** (直), a 'kabane,' 69, 71.

## B.

**be** (部), *see* **tomo**.

Boxer rising, the, 221 n. 1, 240 n. 2.

bribery in China, 218-220.

Buddhism, and feudalism, 2-3; and Shinto, 35-36, 129-113; and politics, 142 ff., Churches, 343.

bundles, of rice, (把), 299.

## C.

Capital, in China. *See* Inner Country.

**catty** (**kin**), 203 n. 5.

census, in China, 208, in Japan, 283.

central government, in China, 221-6; in Japan, 268-273.

Chavannes, Edouard, 154 n. 2, 186, n. 4, &c.

**chih-fan** land (職分田), 207, 210, 225, 268. *Also see* **shikibunden**.

China. *See* ancestor-worship; Boxer; bribery; Capital; catty; central gov.; Chinese, &c.; Christianity; *chu*; commerce; Confucius; delegation; Departments; education; Emperor; eunuchs; exemption; family; **fang-hu**; **fāng-kien**; First Emperor; five relations; force; Formosa; four; *fu*; garrisons; Han; heredity; *htiang*; *h'ien*; house; *hu-tsi*; immunity; Inner Country; *kin*; *kiun*; *k'ow-fan*; *kung-kie*; *kwo*; land; Lao; law; *li*; *liang*; *lin*; Liu H'ü; local; Ma Twan-lin; mace; Martin; memorializing; Mencius; military; Minister; monotheistic; *mow*; national; officer; *Pa*; *pan t'ien*; *pao*; Parker; people; personal; *p'i*; picul; police; priestcraft; princes; rebellion; responsibility; retrospective; riot; the ruler and the ruled; *sh*; *shāng*; *Shi Ki*; supervision; *Sz'*; *tao*; taxation; territorial division; *t'iao*; toleration; Ts'in; *tsing t'ien*; *tsu*; *ts'un*; virtue; *wān chang*; *Wang*; *yīng*; *yung*; Yung Hwui; *yung-yeh*; &c.

Chinese civilization, coherence of, 226, 227, 230, 241, ff., 247-327; place of Confucius in, 228-229, 233; 252-258, place of Ts'in in 184-201, 229-230; in Japan 148-150, 328 ff.; pride of, 330 n. 1.

*Also see education.*

Chinese relations of Japan, 148-150, 333.

*Chinese Repository*, the, 184 n. 1.

**chō** (調), tribute in kind other than rice, 91, 287, 297 ff., 307-311.

*See also t'iao.*

**chō** (町), area equal to about 2 acres, 285 and 284 n. 1.

**Chōshūshi** (朝集使), delegate from the province to the Capital, 214 and n. 5, 217, 280.

Christianity, and feudalism, 2-3; Catholicism in Japan, 130; in China, Catholicism and ancestor-worship, 36 n. 1; Jesuits, 242 n. 2; Chinese policy of toleration, 131-132, 231 n. 1; the Circular of 1871, 221 n. 1.

**chū** (州), a Chinese local division, 188 ff., 212.

Chu H'i (朱熹), 174 n. 6.

chronology, of ancient Japan, 23-25, 267 n. 2.

*Chung Yung* (中庸), the, 173 n. 6, &c.

Chwang-ts'z (莊子), 169.

clans, new military, 330.

Clemell, W. J. 218 n. 1.

Code of 701 A.D., the, 12-17, 382-383, &c.

Code of 927 A.D., the, 17-18, &c.

commendation, 342 n. 7; of persons, 335-337; of land, 343.

commerce, regulation of, in China, 196-197, 210-211.

Confucius, political doctrine of, 173-175; his place in Chinese history, 228-229, 233 ff., 243 ff., &c.

*Also see education.*

conquest of Yamato, 30 ff., 32 ff.

"Constitution" of Prince Umayado, the so-called, 75-76, 252-257.

Constitution of 1889, the, 29-30, 43-44, 131.

conveyance of taxes to the Capital, 301-302, 309.

## D.

*Dai-Nihon Kobunsho* (大日本古文書), the, 18-19, &c.

*Dai-Nihon Shirō* (大日本史料), the, 18 n. 1.

**Daizhō-kwan** (太政官), Cabinet council, 19-20.

**Daizhō-Daizhin** (太政大臣), Prime Minister, 223.

dates, in the Christian era, 267 n. 2.

delegation, the theory of, 216-217.

Departments of the government, in China, 224-225; in Japan, 270-271.

despotism, 40-44, 80.

divination, 34.

## E.

Education and examination, in China, 226-246; place in Chinese civilization, 226; the oldest system, 226-7; under Chow, 227; in later Chow, 228; Confucius, 228-229; under Ts'in, 229-230, 233; recovery, 230; under Han, 233-239, 234-235; forms of the letters, 233-234; local system before T'ang, 234-235; the system of T'ang, 235; effects of the system on the nation, 237-244; in Japan, 244-245 ff.

Educational Rescript of 1889, (教育勅語), the, 131 n. 2.

Emperor, the Chinese. *See* Chapter III.

Emperor, the Japanese; powers claimed, 25-26, 38, 40; theory of succession, 28-30, 33 ff., 38-39, 128-129, 133 ff., 247, 322 ff., 327-328, 331; the conquest, 29-30 ff.; E. and the assembly, 38-39, 138-139; E. and Shinto, 31-38; the insignia, 28-29, 29-30; moral control over the people, 127-133; difficulties of his position before and the Reform, 133-136; E. and the Reform, 4-5, &c., (*see* Reform); E. and feudalism 40; E. and the State, 322 ff.; relation to the people, tradition of, 40-44, 80.

Emperors, the Chinese and Japanese, compared, 246 ff.

Empire, the Chinese, 187-188 ff.

endogamy and exogamy, 55-56.

**etachi**, forced labour, 86-87, 297.

*Also see* **yo** and **yung**.

eunuchs, 222 ff., 234-235.

examination. *See* education.

exemption from taxation, in China, 215; in Japan, 297, 314-315, 344.

*Also see* immunity.

extent of the early Japanese Empire, 44-46.

## F

family, in China, 35-37, 155-156, &c.; f. and tribe, in China, 153-154, &c., f. ownership in land, in China, 199, n. 1.

*Also see* ancestor-worship.

family relations in ancient Japan, 50-51 ff.

**fang-hu** (封戸), house-salary, salary consisting of a number of peasant-houses to a part of whose taxes the recipient was entitled, 225-226, 272.

*Also see* **fu-ko**.

**fäng-kien** (封建), generally translated

as 'feudalism,' 190.

farm-land, 289.

feudalism, in China, 180-182, 183.

feudalism, in Japan; independent of Buddhist influence, 2-3; independent of European influence, 2-3; f. and the Emperor, 40; f. and the Reform, 2-5; feudal training, 5, 43, 332, 330 n. 1, 333 n. 1.

fiction. *See* family relations, and 85-87, 86 n. 1.

First Emperor, the, of China, 185 ff., &c.

five relations of social order, 155-156.

force and virtue, 179-184.

Formosa, Chinese in, 36 n. 1.

four divisions of the people, in China, 225-226.

**fu** (服), a local division in ancient China, 190 ff.

Fujioka (藤岡作太郎), 58 n. 1, &c.

Fujiwara family, the, 340 ff.

**fuko** (封戸, the same as the Chinese **fang-hu**, which *see*), 272, 343.

Fukuchi (福地源一郎), 328 n. 1.

## G

garrisons of T'ang, 215.

great men, 336 ff.

'group.' *See* **tomo**.

Guards, in China, 221-222; in Japan, 109, 110-111, 111-113, 113-114.

**gundan** (軍團), 215 and n. 2.

## H

Hagino (萩野山之), 344 n. 3. &c.

Han, the dynasty of, 180, 230-237, 233, 244.

Han-Fe-tsz' (韓非子), 211-215, 220-221.

**handen** (班田 = Chinese **pan t'ien**),

distribution of land, 283-284.

Hayato (隼人), 110-111.

heredity in Chinese politics, 157-158.

**h'iang** (鄉), a territorial unit in China, 189-190, 214-215.

**h'ien** (縣), **hsien**, ditto larger than *hiang* and smaller than *kin*, 189-190, 213-214, 283-284.

Hirade (平出徑二郎), 58 n. 1, &c.

horse-post system (驛傳), 281-282, 309.

*Hôsd-shiyô-shô* (法曹至要鈔), the, 337 n. 3.

house-lot, 289.

house-ownership in land, in China, 199 n. 1.

Hozumi (穗積陳重), 55 n. 2, 56, 4.

**hu-tsi** (戶籍=Japanese **koseki**, **hemufuta**), census of population, 208-209.

## 工.

Ichimura (市村麿次郎), 202 n. 1, &c.

**iden** (位田), salary in land attached to rank, 273.

immunity, from taxation, in China, 208-209; in Japan, 297, 305-306, 309-310, 336.

*See also* exemption.

**Inaki** (稻置), chief of a town or village, 69-70, 71-72, 257-258.

Inner Country, the, 216, 285, 312-313, 333-334, 335, 339-340.

*Also see* Ki, Kinai, King-Ki.

Ise, the temple at, 37.

Iwai, the rebellion of, 106-107 ff.

## 工.

Jellinek, Dr. 151 n. 1.

Jimmu, the conquest of Yamato by, 27-28, 29-30, 97-99.

## K.

**kabane**, honorary title passing into a part of the family name, 62-63, 66-67, 260, 318 ff.

Kamako } { Nakatomi, 145-149, 264,  
Kamatari } { Fujiwara, 269, 271.

Karu, Prince, 145-146, 262-263.

Ki (畿), the Inner Country, 193, 214-215, 273.

**ki-chang** (計帳, Japanese **keichô**), census for taxation, 208-209, 283-284.

**kida** (段) = **tan**, about  $\frac{2}{3}$  acre, 285.

**kimi** (王), Princes of the second order, 67-68.

**Kimi** (君), a *kabane*, 67-68, 69-70.

**Kin** (斤) = catty, Chinese unit of weight, 203 n. 5.

Kinai (畿内), the Inner Country, 274.

*Also see* Inner Country, Ki, Kinai, and royal domain.

King-Ki (京畿), 214-215, 273.

**kiun** (郡), 189-190, 211-212, 274.

**kiun-h'ien** (郡縣), Imperial, as opposed to feudal, system of government, in China, 190.

**kiun-t'ien** system (均田), equal allotment of land, 205.

*Kojiki* (古事記), the, 7-11, 117-118, &c.

Korea, 8-9, 80-81, 116-124, 333-334.

**kôri** (郡), Japanese territorial unit, larger than *sato* and smaller than *kuni*, 48-50, 274, 278, &c.

**koseki** (戶籍=Chinese *hu-tsi*), census of population, 283-284.

*Kotai-Shiki* (交替式), the 301 n. 5.

**k'ow-fan** land (畋田, Japanese **ku-bunden**), allotted lands, 206-207.

Kumaso, tribes in Kiusiu, 64.

Kume family, the, 98-99, 106-107.

*Kung* (公), 223-224.



**kung-kie** land (公祿田)=Japanese **kuge**, 206-207, 304-305.

**kuni** (國) Japanese territorial unit, largest except **dō** (道), 48-50, 273, 278.

**Kuni-Miyatsuko** (國造), local magnates, 68-68, 257-258, 259-260, 277-278, 279-280, 315-322.

**Kurita** (栗田寛), 22, &c.

**kwo** (國), Chinese local division, 188-189, 211-212, 274.

## LI.

land allotment, 282-296, 343-344.

landed property, 73-74 ff., 282-296, 341 ff.

land tenure, in China, 197-200, 202, 295-296.

**Lao-tsz'** (老子)'s political doctrine, 166-168.

law, Han's doctrine of, 170-173, 177 ff.

law, in China, 195-197.

**li** (里), =Japanese **ri**, administrative division containing a certain number of houses, 189-190, 214-215.

**li** (里), Chinese unit of linear measurement, 193 n. 5.

**li** (禮), 156 and n. 1.

**liang** (兩)=*tael*, now  $1\frac{1}{2}$  *oz. av.*, 205 n. 3.

**lin** (隣), administrative division containing a certain number of houses, 214-215.

**Liu H'ü** (劉詢), 195 n. 1, &c.

local divisions, in ancient Japan, 65-71; in China, 188-195.

local Government, in China, 188-195, 210-211 ff.; in Japan, after the Reform, 273-282.

local officer, the Japanese, after the Reform, 333-335, 337-339, 340, 341, 342.

loyalty, in Japan, 40-44, 327-328 ff.

**Lun Yü** (論語), the, 173 n. 1, &c.

## M.

**Ma Twan-lin** (馬端臨), 192 n. 3, &c.

mace, 203 n. 2.

man and woman, relations of, in ancient Japan, 51-54.

marriage, in ancient Japan, 53-54 ff.

**Martin, W. A. P.**, 2 n. 1, 152 n. 1, 237 n. 2, 239 n. 1.

**Manyō-shū** (萬葉集), the 127 n. 1. Collection of ancient Japanese poems. Compiled about 760 A.D.

**matsurigoto** (祭, 政), 37 n. 1.

memorializing, in China, 220 n. 1.

**Mencius** (孟子), political doctrine of, 175-176 ff.

**Michie, A.** 221 n. 1, 231 n. 1.

**Mikado**, (the usage of this term questioned), 25 n. 1.

**Miko** (親王), Princes of the first order, 66-67.

military institutions, in China, 205-206, 215; in Japan, 95-125, 311-315.

**Minamoto Clan**, the, 340.

Minister, in China, 158-159 ff.

missionary, the. *See* Christianity.

**mita**, (屯田, 官田, etc.), land in ancient Japan reserved for the use of the government, 49-51, 76 ff., 90-91 ff., 273, 276, 317.

**mitsugi**, tribute in kind, 86-87, 297, 299.

**miyake** (屯倉, 官家, &c.), granary containing, or sometimes land yielding, grain designed probably for the use of

the government, 76 ff., 90-91 ff., 94-95, 257-258, 317.

*See also mita.*

**Miyatsuko**, a *kabane*, sometimes with a general meaning, 67-68 ff., 75-76, 82, 126, 314-315.

*See also Kuni- and Tomo-Miyatsuko.*

Miyoshi Kiyotsura, his memorial, 344-345.

Mononobe family, the, 98-99, 102-103, 105-109, 110, 111-114, 123-125, 139, 141-142.

monotheistic tendency, in China, 156-157; in China and Japan, 33-34.

Motowori Norinaga (本居宣長), the *Kojikiden* (古事記傳), commentary on the *Kojiki*, in 44 books, 1789-1822 A.D. 49 n. 3, &c.

**mow** (畝), Chinese unit of land-measurement, 198 and n. 2.

**mura** (村, 邑), group of houses, village, 48-50.

**Muraji** (連), one of the two highest *kabane*, the other being *Omi*, 67-70, 139, 259, 277, 315-322.

mythology, comparative, 32 n. 2.

## N.

**na** (名), personal name, 62-63.

Naka-no-Ōye, the Reform Prince, 145-149, 261-264, 317.

Nakatomi family, the, 111-112, 121, 139, 141-142, 145-146.

nation and State, 247 ff., 327-328 ff.

national assembly, 38-39, 138-139.

national sentiment, in China, 36 n. 2, 247 ff., 327-328 ff.; in Japan, 130-131, 327-328 ff.

new land, 341, 345-346.

*See also waste-land.*

*Nihongi* (日本紀, 日本書紀), the, 117-118.

nobility, old and new, in Japan, 315-322.

**norito** (祝詞), the; prayers of the Emperor to the Gods, 17 n. 2; 34-35, 36-39, 41-42, 127.

## O.

officer, in China, 160-161.

*Also see ruler and ruled.*

**Ofuto** (首), a *kabane*, 69-70.

Okamoto (岡本監輔), 192 n. 5.

omens and auguries, 34.

**Omi** (臣), a *kabane*, 67-70, 139, 259, 273, 315-322. *Compare Muraji.*

**on** (蔭, Chinese *yin*), the custom of giving noble children ranks somewhat inferior to those of their fathers, 245.

one-tribe theory, the, 26-28, 33, 38 n. 1, 42, 134, 327-328.

outlaws, 335 ff.

## P.

**Pa** (霸), over-lord, 164-165.

**Pa-Wang** (霸王), lord-king, 169.

**pan t'ien** (斑田, Japanese *handen*).

*See kin-tien.*

**pao** (保), administrative division containing a certain number of houses, 214-215.

Parker, E. H. 55 n. a., 152 n. 1, 238 n. 2.

*patria potestas*, in ancient Japan, 51-52.

patriarchal form of State, in Japan, 60-61 ff., 115-117, 123-124 ff., 133 ff., 260.

patriotism. *See national.*

people, in Chinese politics, 153 ff., 217-221, 225-226.

*See also* ruler and ruled.

persecution, 130, 131 n. 1.

*See also* toleration.

personal holding of land, in China, 204 and n. 3.

**p'i** (匹), unit of measure, used in denoting the quantity of silk in China, 203 n. 3.

*picul* (tan, 擔), unit of weight. Now 133 $\frac{1}{3}$  lbs. av.

police, in China, 202 n. 1.

polygamy in ancient Japan, 53-54 ff., 339-340.

post, horse-, 281-282, 308-309.

priestcraft, in Japan, 128-129; in China, 238-239.

princes (諸侯), in China, 153 ff.

purification, in Japan, 127-128.

## R.

ranks, official, 224-225, 272, 319 ff.

rates, of interest, 302-303; of the taxes, 306-307.

rebellion, philosophy of, in China, 161-163, 180, 240; in Japan, 43.

Reform, the. Date, 4 n. 1, 266-268; its place in history, 4-6; sources, 10-11 ff.; brief definition of 135-136; nature of, 321-322 ff.; logical causes of, 127-136; need for a reform, 136-137, 257-261; the reform party, 145-146 ff., 260-264; extent of the R.; 264-267; in the central government, 268-273; local government, 273-282; land, 282-296; taxation, 295-311; military institutions, 310-315; R. and the old institutions, 315-322; R. the Emperor's, 321-322, 326-327; sociolo-

gical interest of R. 5.

Reform, the, and feudalism, 2-5.

Reform, the, and the Restoration, 4-5, 324 n. 3, 332-333.

Reform Prince, the, 145-146, 260-264, 316-317.

remission of taxes, 310-311.

rescripts, Imperial, 37 n. 4, 38, 324-327.

responsibility, principle of, in Chinese politics, 216-217.

Restoration, the, of 1868, 4 n. 1, 4-5, 43-44, 330 ff.

retrospective attitude of the Chinese, 157-158, 242-243, 249-250 ff., 323-324.

revolution, in China. *See* rebellion.

rice-land, 289.

rice-loan, 301-305, 334 n. 1.

*Riô-no-Gige* (令義解), the 12-17, &c.

riot, in China, 220-221 and note, 240.

**roku** (禄), Imperial gifts, 273.

royal domain, 251, 273-274.

*See also* Ki, King-ki, &c.

*Ruizhū Sandai Kiaku* or *Kaku* (類聚三代格), the, 19-22, &c.

ruler and the ruled, the, (治者和被治者, 官 and 民), in China, 217-221, 287-288, 297, 309-311, 321-322, 323-324, 328, 330 n. 1, (*also see* education, people, officer, &c.); in Japan, after the Reform, 333-334, 344-345; tradition in Japan regarding the relation between the Emperor and the people 40-44.

runaways and outlaws, 334-335 ff.

## S.

*Sandai Kaku*, the. *See* *Ruizhū*, &c.

**sato**, ancient Japanese local division, 48-50.

**sato** (里), post-Reform division containing fifty houses, 15-16, 274-277.

**sato** (郷), still later division, 15-16.  
separate residence, custom of, 57-58 ff.

**Sh'** (師) 223-224.

**shaku** (尺), unit of length, about a foot, 284 n. 1.

**shāng** (升, Japanese *shō*), unit of volume of grain, 203, n. 4.

sheaf of rice (束), ten bundles, 298-299.

**Shiki** (史記), the, 184-185, &c.

*Also See* Chavannes.

**Shi King** (詩經), the, 152 n. 3, &c.

Shibi, murder of, 8-9.

**shikibunden** (職分田, Chinese *chih fan tien*), salary in land, 254-255.

Shinto, 30-39; non-moral, 32-33, 34-35, 127-133; S. and Buddhism, 129.

**Shōden** (庄田), **shōyen** (庄園), private estates of great men, 237-238, 242-243.

*Shoku-Nihongi*. *See* *Zoku-Nihongi*.

**Shu King** (書經), the, 151-152, &c.

silk-weaving, 86-87 ff.

Sins, in Shinto, 127.

Smith, 237 n. 2.

**so** (租), rice-tax, (the Chinese **tsu**), 90-91, 296-297 ff. 301-302, 303-307.

Soga family, the, 102-103, 110-115, 132-133, 140 ff.

state, the, 323-324, S. and the Emperor, 321-322 ff.; S. and Nation, 247, 327-328, ff.

status of the people in ancient Japan, 82-83 ff.

succession in anc. Japan, 55-56 ff.

**suiko** (出舉), rice-loan, 302-305.

**Sukune**, a *kabane*, 72-73.

superiority over land and people, 74-75, 271-272, 315-317.

supervision, principle of, 216-217.

**sz'** (寺), department of Chinese government, 223-224, &c.

## T.

**ta-chikara** (税), tribute in rice in ancient Japan, 89-99, 296-297.

**tabe** (田部), probably group of people cultivating **mita**, 76-77 ff.

*tael*. *See* **liang**.

**Ta H'io** (大學), the 173 n. 6, &c.

Taira family, the, 340.

Takegoshi (竹越興三郎), 331, &c.

Takikawa (瀧川龜太郎), 202 n. 1, &c.

**tan** (段) = **kida**, which see, 284-285.

**tan** (擔), 100 *kin*, Chinese unit of weight, now equivalent to 133½ *lbs. av.*, the so-called *picul*.

**tao** (道, Japanese **dō**), large local division, 214-215.

taxation, in China, 199-200, 203 ff., 217.

taxation, in Japan, ancient, 86-96, 126-127; after the Reform, 284-285, 295-311, 333-334 ff.

territorial divisions, in ancient Japan, 45-51; in China, 188-195.

**t'iao** (調, Japanese **chō**), tribute in kind other than rice, 200-201, 203, 215-216, 296-297.

**to** (斗), ten **shō** or **shāng**, 298-299.

toleration, religious, in China, 131-132, 231 n. 1; in Japan, 331 n. 3.

*Also see* Christianity.

**tomo**, group of people organized in imitation of the clan group, 61-62, 63-67, 75-76, 85-87, 91-92, 93-94, 98-99, 101-103, 113-114, 123-127, 139, 143-144, 257-259, 315-322.

*See also* Mononobe, Ōtomo, military institutions, &c.

**tomo-miyatsuko**, general names for

all the Miyatsuko controlling *tomo*,  
66-67 ff., 257-258, 259, 273, 315-322.

**toneri**, bondman, 182-183 ff.

**ts'ien** (錢), 203 n. 2.

**Ts'in** (秦), 165-166, 184-203, 229 ff.

**tsing-t'ien** system (井田法), an earlier Chinese system of land-allotment by which each piece of arable land of a fixed extent was divided into nine equal blocks, eight of which were usually distributed among eight neighbouring families, while the central block was tilled in common by these families for the benefit of the government, 197-198, 200-201, 204-205.

**tsu** (租, Japanese **so**), rice-tax, 203, 215-216, 296-297.

**Tsukushi**, 106-108, 117, 122-124, 311-312.

**ts'un** (村), Chinese village, 186-187.

*T'ung Kien Kan Mu*, the, 200 n. 1.

*T'ung Kien T'zi Lan*, the, 200 n. 1.

## U.

**uji** (氏), clan, 61-62, 318 ff.

unrest, social, after the Reform, 336 ff.

## V.

virtue, Chinese doctrine of, 155 ff, 217, 227-228, 229, 232-233 ff., 240, 255-256, 325-327; in Japan, 42-43, 325.

## W.

**Wakairatsuko**, Prince, suicide of, 7 n. 3.

**Wake-no-Kiyomaro**, 327 n. 2.

**wăn chang**, rhetorical prose com-

position in China, 233-234, 235-236, 236-237.

*Wăn Ipien T'ung K'ao* (文獻通考), the, by Ma Twan-lin, 192 n. 3, &c.

**Wang** (王), King, 164-165.

waste-land, 290-291 ff., 340-341, 345-346.

Williams, S. W., 163 n. 1., 237 n. 2, 239 n. 1.

## Y.

**yakuden** (易田), allotted land subject to rotation of crops, 198 n. 3, 284 and n. 2.

**yatsuko**, bondman, 82-83 ff., 112-113, years and months, in chronology, 267 n. 2.

*Yengi-Shiki* (延喜式), the, 17-18, &c.

**yin** (陰, Japanese **on**, which see), 236.

**yô** (庸, Chinese **yung**), forced labour or its commutation, 90-91, 296-297, 307-311.

**yosasu** (封), to grant, 74-75.

**yung** (庸). See **yô**, 200-201, 203, 215-216, 296-297.

Yung Iiwin Code (永徽令), the, 12-13.

**yung-yeh** land (永業田), that part of the allotted land which was reserved for hereditary transmission.

## Z.

*Zoku-Nihongi* (續日本紀), the, 16-17, 278-279, 286, 325-326.





## APPENDIX.

Page.	Note.	
8.	2.	... See pp. 23-25.
9.	3.	... See pp. 117-118.
23.	1.	... See p. 267, n. 2.
36.	3.	... See pp. 127-133.
38.	2.	... See pp. 127-128.
39.	1.	... See pp. 138-139.
40.	1.	... The reader is referred to pp. 180-184.
43.	1.	... Cf. pp. 325-326.
72.	2.	... See pp. 314-322.
129.	1.	... See p. 239.
132.	1.	... See p. 231, n. 1.
137.	1.	... See pp. 258-260.





明治三十七年四月一日印刷  
明治三十七年四月四日發行



發行所

著者兼  
發行者

印刷者

印刷所

朝河貫一

東京府下豊多摩郡戸塚村六百四十七番地

森潤二

東京市牛込區市ヶ谷加賀町壹丁目十二番地

株式會社 秀英舍第一工場

東京市牛込區市ヶ谷加賀町壹丁目十二番地

早稻田大學出版部





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